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Illinois Register

Rules of Governmental Agencies

Volume 19, Issue 03— Jan. 20, 1995

Pages 522-753

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017

published by
George H. Ryan
Secretary of State



Printed on recycled paper

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PROCLAMATIONS

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ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Applications
- 2) Code Citation: 92 Ill. Adm. Code 1202
- 3) Section Numbers:

1202.60

Proposed Action:
New Section
- 4) Statutory Authority: Implementing Sections 18c-1202 and 18c-2107 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202 and 18c-2107].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed amendment takes into account the effect of the federal preemption of state regulation of commercial motor carriers (except carriers of household goods) enacted by P.L. 103-305 (Title VI of the Federal Aviation Administration Authorization Act of 1994). An emergency rulemaking was adopted on August 24, 1994 that recognized the upcoming federal preemption, enabling carriers' entry into the market prior to January 1, 1995. That Emergency Amendment will expire on January 24, 1995. This proposed rulemaking will pertain to carriers wishing to operate in Illinois after January 1, 1995.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No, however, Section 1202.40 of this Part was amended by Emergency Amendment on August 24, 1994. That Emergency Amendment, which dealt with similar subject matter, will expire on January 24, 1995.

- 7) Does this rulemaking contain an automatic repeal date: No
- 8) Does this proposed contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any person who plans to submit comments should file such comment with:

Kathy Campbell
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706

Comments should be filed within 45 days of the date of this issue of the Illinois Register.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 5, 1995
- B) Types of small businesses affected: This amendment will affect persons wishing to engage in the for hire transport of property in intrastate commerce in Illinois after January 1, 1995 that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
 CHAPTER III: ILLINOIS COMMERCE COMMISSION
 SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLY

PART 1202
 APPLICATIONS

Section

- 1202.10 Application for Permanent Authority
 1202.20 Notice of Application for Permanent Authority
 1202.30 Petitions for Leave to Intervene
 1202.40 Temporary Motor Carrier of Property License Application
 1202.50 Emergency Temporary Motor Carrier of Property License Application
 1202.60 Application for Temporary Public Carrier Certificate

AUTHORITY: Implementing Sections 18c-1202 and 18c-2107 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202 and 18c-2107].

SOURCE: Adopted at 11 Ill. Reg. 17528, effective October 15, 1987; amended at 15 Ill. Reg. 17568, effective December 1, 1991; emergency amendment at 18 Ill. Reg. 14157, effective August 24, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. _____, effective _____.

Section 1202.60 Application for Temporary Public Carrier Certificate

After January 1, 1995, motor carriers of property other than household goods shall file an application with the Commission for a Temporary Public Carrier Certificate. The application shall be on forms provided by the Commission, and shall be accompanied by the required fee set forth in 92 Ill. Adm. Code 1205.10. Upon determination that the applicant is in compliance with the requirements of 92 Ill. Adm. Code 1425 applicable to insurance, and that the applicant has paid all required per vehicle and filing fees, the Commission shall issue a Temporary Public Carrier Certificate authorizing the applicant to engage in for-hire transportation of property in intrastate commerce in Illinois.

(Source: Added at 19 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Fees and Taxes2) Code Citation: 92 Ill. Adm. Code 12053) Section Numbers: Proposed Action:

1205.10 Amend

1205.100 Amend

4) Statutory Authority: Implementing Sections 18c-1202(9), 18c-1501, 18c-1502, and 18c-5102 and authorized by Section 18c-1202(9), 18c-1501, 18c-1502, and 18c-5102 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(9), 18c-1402, 18c-1501, 18c-1502, and 18c-5102]

5) A Complete Description of the Subjects and Issues Involved: This proposed amendment takes into account the effect of the federal preemption of state regulation of commercial motor carriers (except carriers of household goods) enacted by P.L. 103-305 (Title VI of the Federal Aviation Administration Authorization Act of 1994). The fees have been lowered to reflect the reduced amount of work required of the Commission to issue certificates of registration to new carriers. An emergency rulemaking was adopted on October 21, 1994 to lower the per vehicle fees from \$25 to \$6 for non-household goods carriers. That emergency will expire on March 21, 1995.

6) Will this rulemaking replace any emergency rulemaking currently in effect? Section 1205.100 of this rulemaking replaces Emergency rulemaking currently in effect which will expire on March 21, 1995.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this rulemaking contain incorporations by reference? No.

9) Are there any other proposed rulemakings pending on this part? No.

10) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file such comment with:

Kathy Campbell
 Illinois Commerce Commission
 527 East Capitol Avenue
 Springfield, IL 62706

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Comments should be filed within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 5, 1995
- B) Types of small businesses affected: This amendment will affect all commercial motor carriers of property operating in Illinois who also are defined as Small Businesses in the Illinois Administrative Procedure Act.
- C) Repeating, bookkeeping or other procedures required for compliance:
None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLY

PART 1205

FEES AND TAXES

SUBPART A: FILING FEES

Section	
1205.10	Filing Fees
1205.20	Late-Filing Fees (Repealed)

SUBPART B: FRANCHISE-AND-FRANCHISE-RENEWAL-FEES ANNUAL VEHICLE FEES

Section	
1205.100	Intrastate Motor Carriers of Property
1205.110	Interstate Motor Carriers of Property
1205.115	Ordering Fees

SUBPART C: GROSS RECEIPTS TAXES

Section	
1205.200	Gross Receipts Taxes for Motor Carriers of Passengers (Repealed)
1205.210	Gross Receipts Taxes for Rail Carriers
1205.220	Gross Receipts Taxes for Common Carrier Pipelines

SUBPART D: PAYMENT PROCEDURES

Section	
1205.300	Payment of Fees

AUTHORITY: Implementing and authorized by Sections 18c-1202(9), 18c-1501, 18c-1502, and 18c-5102 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(9), 18c-1402, 18c-1501, 18c-1502 and 18c-5102].

SOURCE: Emergency rules adopted at 11 Ill. Reg. 1497, effective January 1, 1987, for a maximum of 150 days; adopted at 11 Ill. Reg. 9853, effective May 8, 1987; amended at 12 Ill. Reg. 15540, effective October 1, 1988; amended at 13 Ill. Reg. 11460, effective July 1, 1989; amended at 18 Ill. Reg. 11155, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 16464, effective October 21, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: FILING FEES

Section 1205.10 Filing Fees

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Filing fees for proceedings under the Illinois Commercial Transportation Law [625 ILCS 5/18C-1101 et seq.] shall be as follows:

- a) Motor carrier of property license application
 - 1) Application for new license \$300
 - A) Application for temporary authority \$300
 - B) Application for emergency temporary authority \$600
 - C) Other application for new license (less than general commodity) \$900
 - D) General commodity application (common or contract) \$300
- 2) Application for extended license
 - A) For temporary authority \$300
 - B) For emergency temporary authority \$300
 - C) Other application for extended license \$600
- 3) Application to transfer license
 - A) Transfer under Section 18C-4306 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 18C-4306) \$300
 - B) Other application to transfer license \$600
- 4) Application to reinstate a suspended or revoked license or vacated order \$600
- 5) Application for new or extended non-relocation towing license
 - \$600
 - \$ 25
 - \$300
 - \$250
 - \$ 75
 - \$ 75
- b) Petition to restate commodity description \$ 75
- c) Petition for certificate of exemption \$ 75
- d) Petition for interpretation of authority \$ 25
- e) Petition to amend authority \$ 25
- f) Petition for name change \$ 30
- g) Rate filings
 - 1) Application for authority to establish a released value rate \$ 25
 - 2) Special permission application \$ 25
- h) Application to register as an exempt interstate motor carrier of property or passengers \$ 25
- i) Motor carrier of property equipment lease filing \$ 25
- j) tariff maintenance fee, payable by December 31 of each year. \$ 30
- k) Motor carrier of property proof of insurance coverage filing \$ 25
- l) Broker's license application \$600
 - 1) Application for broker's license \$300
 - 2) Application to transfer broker's license \$ 25
- m) Intervention per intervenor \$300
- n) Application for Temporary Public Carrier Certificate

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART B: FRANCHISE-AND-FRANCHISE-RENEWAL-FEES ANNUAL VEHICLE FEES

Section 1205.100 Intrastate Motor Carriers of Property

- a) The annual franchise and franchise renewal fee for each vehicle operated by or under authority of an intrastate motor carrier of property authorized to transport household goods is \$25.00 whether or not the vehicle is used in the transport of household goods for calendar-1988-and-subsequent-years.
- b) For calendar year 1995 and subsequent years, the annual fee for each vehicle operated by an intrastate motor carrier of property (other than household goods), is \$6.00.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Demonstration Programs
- 2) Code Citation: 89 Ill. Adm. Code 170
- 3) Section Number:
170.300
Proposed Action:
New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)[305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments implement an administrative decision to support a pilot truancy prevention project with the South Chicago Chamber of Commerce.

The South Chicago Chamber of Commerce approached the Department interested in discussing ways of helping children stay in school and ultimately graduate. The Chamber's philosophy is that a healthy economic climate is built upon the development and successes of individuals in the community. To that end, the Chamber participates in a multi-member social service network, the Southeast Youth Network Panel, that takes a comprehensive view of the needs of the community and works to address those needs. This network is interested in working with families, on a pilot basis, to help remove barriers that are preventing children from regularly attending school. The approach has the potential to prevent or reduce truancy in later years. The Chamber has gained the support of four area schools for this pilot.

The Chamber's proposal provides intervention and supportive services to the family. If, however, a family does not cooperate with the services offered, thereby further jeopardizing the welfare of the child, the proposal then calls for the use of a protective payment tool to help facilitate the family's management of the situation. The rising truancy problem with all its future ramifications calls for aggressive yet realistic and productive measures.

In the majority of cases the pattern for future success or failure in school for a child is set very early. A child with high absenteeism in the third grade has a high likelihood of becoming a school dropout and turning to gang activity. Therefore, the goal of this pilot is to intervene at the earliest stage when these negative behaviors first appear and stop them before they become an ingrained part of the child's life.

The pilot would target up to 15 children at a time in grades 1 - 6 in four neighborhood schools: Thorpe, Sheridan, Sullivan and Los Ninos. Children who are beginning to demonstrate an absenteeism problem would be identified by designated school personnel. The following steps would then be taken:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- . If the situation warrants more intervention than the school can give, the school personnel would make a referral to the Southeast Youth Service Board.
- . The Board would refer the family to the appropriate community agency. If the child is a member of a family receiving Aid to Families with Dependent Children (AFDC), the agency would alert the local public aid office. The community agency would contact the family immediately to evaluate and implement appropriate services as quickly as possible. At the same time, public aid staff would contact the parent in writing to advise of the importance of cooperating with the community agency to improve the child's situation and of the possible consequences if they do not cooperate, i.e. that the community agency would be authorized to receive the family's AFDC check as a protective payee to further assist the family with planning and working through the barriers that are keeping the child from regular school attendance.
- . If the family does not cooperate with the community agency the AFDC case would be placed under protective payee with the community agency acting as the payee for the family's AFDC check. This would require that the family maintain contact with the community agency and facilitate receiving their cooperation in alleviating the situation causing the child's absence from school. Upon cooperation for at least 3 consecutive months, the parent would be resumed as the payee.
- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762. The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 648.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Food Service Sanitation Code

2) Code Citation:

77 Ill. Adm. Code 750

3) Section Numbers:

750.110
750.120
750.140
750.160
750.180
750.185
750.186
750.187
750.189
750.240
750.250
750.310

Proposed Action:

Amendment
Amendment
Amendment
Amendment
New Section
New Section
New Section
Amendment
Amendment
Amendment

4) Statutory Authority:

Illinois Food, Drug and Cosmetic Act

(Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 501 et seq.) [410 ILCS 620]

Sanitary Food Preparation Act

(Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 66.90 et seq.) [410 ILCS 650]

Food Handling Regulation Enforcement Act

(Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 330 et seq.) [410 ILCS 625]

5) A Complete Description of the Subjects and Issues Involved:

Foodborne illness in the United States is a major cause of illness and preventable death. An estimated 24 to 81 million people become ill from microorganisms in food, resulting in an estimated 10,000 needless deaths every year. The Centers for Disease Control and Prevention have consistently reported the factors most frequently implicated in causing foodborne outbreaks as time-temperature control, poor personal hygiene, and cross-contamination. In addition, increasing numbers of individuals with weak or compromised immune systems, including the very young, elderly, patients with certain diseases such as cancer, liver disease and AIDS, and pregnant women, present a segment of the population who are extremely susceptible to foodborne pathogens.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

The U.S. Food and Drug Administration (FDA) released the 1993 Food Code in early spring 1994, to replace the present model codes used as a basis for regulating food service establishments and retail food stores. The Department convened an Illinois Food Code Committee to determine the best method of incorporating the FDA Food Code into Illinois rules. The Committee members consist of local health departments, retail industry organizations and professional organizations interested in retail food safety. While the Committee continues its task of reviewing the 450 page FDA document, the Department has decided to initiate a rulemaking which includes several critical issues from the FDA Food Code. The Department believes that proposing these portions of the model code in a more timely manner than it would take to propose the entire model code will provide an increased level of food protection in the interim. The sections from FDA's Food Code chosen for immediate promulgation include time and temperature control requirements for potentially hazardous foods, consumer advisories for raw and undercooked animal foods, and restrictions on direct hand contact with ready-to-eat foods.

Epidemiological investigations in recent years have identified emerging foodborne pathogens and certain types of foods that were previously not considered a problem. The hundreds of illnesses in Jack in The Box outbreak of *E. coli* 0157:H7 associated with eating undercooked hamburgers is one illustration. *Salmonella enteritidis* associated with an undercooked egg dish was a problem in a Chicago convention hotel outbreak several years ago involving more than a thousand illnesses. Certain types of food typically eaten raw have caused documented foodborne illness such as *Vibrio vulnificus* infections from consuming raw oysters and toxoplasmosis (*Toxoplasma gondii*) from eating raw wild game tartare. Poor personal hygiene and direct hand contact with ready-to-eat foods, frequently the case in fast food establishments, have caused foodborne outbreaks of Hepatitis A, *Staphylococcus aureus* intoxication and numerous Norwalk-like viral infections.

This proposed rulemaking will address these problems from several different fronts. First, cooking times and temperatures for certain high risk foods (hamburgers, wild game, eggs, etc.) will be increased to assure microbiological destruction. Procedures for microwave oven cooking are detailed in the proposed rules because of the risk of uneven cooking resulting in survival of pathogens. Required refrigeration storage temperatures will be lowered by 5 degrees Fahrenheit to help retard multiplication of bacteria that could potentially reach high levels during extended storage at higher temperatures.

Another issue that this rulemaking addresses is hand contact with ready-to-eat foods (such as sandwiches, tacos, salads, bread, etc.) that do not receive heat treatment to destroy pathogens at a later time. The proposed rulemaking requires food handlers to use an appropriate utensil (spoon, fork, tongs, etc.), tissue or waxed paper or single-service

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

plastic or rubber gloves when handling ready-to-eat food, to prevent contamination from being reintroduced to the food.

The proposed rulemaking will also require a written consumer advisory to be displayed at food establishments that offer raw or undercooked animal foods in ready-to-eat form. The consumption of raw or undercooked animal foods presents a significant increase in risk to certain vulnerable populations. The consumer advisory will allow these high risk individuals (the ill, the elderly, the very young, pregnant women, etc.) to become better informed about the potential for foodborne illness and will give them a chance to contact their physician for advice. The Department and the Illinois Food Code Committee are also involved in developing a technical brief on consumer advisories for use by local health departments and the retail food industry. The brief will detail the specific segments of the population who are at increased risk, types of raw and undercooked animal foods that are targeted, foodborne pathogens that may be associated with these foods and a sample consumer advisory which food establishments may use.

Local health department food protection programs, retail food industry organizations and many other interested individuals have received notice and a copy of these proposed amendments to the rules with a request for comments. The Department has heard of a great deal of support for the rulemaking as a needed change based on science and epidemiological investigations. The Illinois Restaurant Association, Illinois Food Retailers Association, Illinois Retail Merchants Association and National Automatic Merchandising Association have been active in discussing and developing these rules and supporting educational materials.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? No
- 9) Are there any Other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives:
To increase the level of safety of food provided directly to the consumer.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois

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Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. Devito at the above address.

PART 750

FOOD SERVICE SANITATION CODE

SUBPART A: GENERAL PROVISIONS

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

Section
750.5
Incorporated Materials
Definitions
750.10
Inspections and Inspection Report
750.20

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses Affected:

Small food service establishments and retail food stores.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

C) Types of Professional Skills Necessary for Compliance:

Each food service establishment requires supervisory oversight by a food manager certified in food service sanitation. This is a current requirement and not added by the proposed rulemaking.

The full text of the Proposed Amendments begins on the next page:

SUBPART B: FOOD SUPPLIES

Section
750.100
General
750.110
Special Requirements
750.120
General - Food Protection
750.130
General - Food Storage
750.140
Refrigerated Storage
750.150
Hot Storage
750.155
Damaged Food Containers
750.160
General - Food Preparation
750.170
Raw Fruits and Raw Vegetables
750.180
Cooking Potentially Hazardous Foods
750.185
Minimum Food Temperature and Holding Time Required Under Section 750.180(a)(2) for Cooking All Parts of Pork and Game Animals, Comminuted Fish and Meats, and Injected Meats

750.186
Oven Parameters Required for Destruction of Pathogens on the Surface of Roasts of Beef and Corned Beef
750.187
Minimum Holding Times Required at Specified Temperatures for Cooking All Parts of Roasts of Beef and Corned Beef

750.189
Microwave Cooking
750.190
Dry Milk and Dry Milk Products
750.200
Liquid, Frozen, Dry Eggs and Egg Products
750.210
Reheating
750.220
Nondairy Products
750.230
Product Thermometers
750.240
Thawing Potentially Hazardous Foods
750.250
Food Display and Service of Potentially Hazardous Food
750.260
Display Equipment
750.270
Reuse of Tableware
750.280
Dispensing Utensils
750.290
Ice Dispensing
750.300
Condiment Dispensing
750.310
Milk and Cream Dispensing

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750.320	Re-Service
750.330	General - Food Transportation
SUBPART C: PERSONNEL	
Section	
750.500	General - Employee Health
750.510	General - Personal Cleanliness
750.520	General - Clothing
750.530	General - Employee Practices
750.540	Management Sanitation Training and Certification
750.550	Management Sanitation Certification Examination (Repealed)
750.551	Certificate Issuance
750.560	Certificate Revocation or Suspension

SUBPART D: EQUIPMENT AND UTENSILS

Section	
750.600	General - Materials
750.610	Solder
750.620	Wood
750.630	Plastics
750.640	Mollusk and Crustacea Shells
750.650	General - Design and Fabrication
750.660	Accessibility
750.670	In-Place Cleaning
750.680	Thermometers
750.690	Non-Food-Contact Surfaces
750.700	Ventilation Hoods
750.710	General - Equipment Installation and Location
750.720	Table-Mounted Equipment
750.730	Portable Equipment
750.740	Floor-Mounted Equipment
750.750	Aisles and Working Spaces

SUBPART E: CLEANING, SANITIZING, AND STORAGE OF EQUIPMENT AND UTENSILS

Section	
750.800	Cleaning Frequency
750.810	Wiping Cloths
750.820	Manual Cleaning and Sanitizing
750.830	Mechanical Cleaning and Sanitizing
750.840	Drying
750.850	Equipment, Utensil, and Tableware Handling
750.860	Equipment, Utensil, and Tableware Storage
750.870	Pre-Set Tableware
750.880	Single-Service Articles

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750.890 Prohibited Storage Area

SUBPART F: SANITARY FACILITIES AND CONTROLS

Section	
750.1000	General - Water Supply
750.1010	Transportation
750.1020	Bottled Water
750.1030	Water Under Pressure
750.1040	Steam
750.1050	General - Sewage Disposal
750.1060	General - Plumbing
750.1070	Nonpotable System
750.1080	Backflow
750.1090	Grease Traps
750.1100	Drains
750.1110	General - Toilet Facilities
750.1120	General - Lavatory Facilities
750.1130	Containers - Garbage and Refuse
750.1140	Garbage and Refuse Storage
750.1150	Disposal of Garbage and Rubbish
750.1160	General - Insect and Rodent Control
750.1170	Protection of Openings Against Entrance of Insects and Rodents

SUBPART G: CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

Section	
750.1200	General - Floors
750.1210	General - Walls and Ceilings
750.1220	General - Cleaning Physical Facilities
750.1230	General - Lighting
750.1240	Protective Light Shielding
750.1250	General - Ventilation
750.1260	Special Ventilation
750.1270	Dressing Areas
750.1280	Lockers
750.1290	Poisonous or Toxic Materials Permitted
750.1300	Labeling of Poisonous or Toxic Materials
750.1310	Storage of Poisonous or Toxic Materials
750.1320	Use of Poisonous or Toxic Materials
750.1330	Personal Medications
750.1340	First-Aid Supplies
750.1350	General - Premises
750.1360	Living Areas
750.1370	Laundry Facilities
750.1380	Linens and Clothes Storage
750.1390	Cleaning Equipment Storage

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SUBPART H: MOBILE FOOD SERVICE

750.1400 Animals

Section
750.1500 General - Mobile Food Units

750.1510 Restricted Operation
750.1520 Single-Service Articles
750.1530 Water Systems
750.1540 Waste Retention
750.1550 Base of Operations
750.1560 Servicing Area
750.1570 Servicing Operations

SUBPART I: TEMPORARY FOOD SERVICE

Section

750.1600 General - Temporary Food Service Establishments

750.1610 Restricted Operations
750.1620 Ice
750.1630 Equipment
750.1640 Water
750.1650 Wet Storage
750.1660 Waste Disposal
750.1670 Handwashing
750.1680 Floors
750.1690 Walls and Ceilings of Food Preparation Areas
750.1700 Single-Service Articles

SUBPART J: FOOD SERVICE SANITATION MANAGER CERTIFICATION

Section

750.1800 General

750.1810 Instructor Approval
750.1815 Instructor Denial
750.1820 Course Content
750.1830 Course Approval
750.1835 Make Up Work
750.1836 Home Study
750.1837 Course Waiver
750.1838 Course Denial
750.1840 Reciprocity
750.1850 Certification Examination
750.1855 Testing Criteria
750.1860 Examination Notification
750.1861 Class Enrollment Form
750.1862 Administration of Examination
750.1865 Monitors

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SUBPART K: REDUCED OXYGEN PACKAGING

750.1868 Cheating
750.1870 Re-test Class
750.1876 Dictionary
750.1880 Retake Examination
750.1890 Certificates
750.1895 Change of Address

Section

750.2000 General
750.2010 Acceptable Products
750.2020 Employee Training
750.2030 Refrigeration Requirements
750.2031 Labeling - Refrigeration Statements
750.2032 Labeling - "Use By" Dates
750.2040 Safety Barriers
750.2041 Fish and Fishery Products
750.2042 Safety Barrier Verification
750.2050 Hazard Analysis Critical Control Point (HACCP) Program
750.2060 Precautions Against Contamination
750.2070 Disposition of Expired Product
750.2080 Dedicated Area/Restricted Access

SUBPART L: MEAT/POULTRY PROCESSING AND LABELING

Section

750.3000 Exceptions
750.3100 Meat and Poultry Labeling
750.3200 Smoked Meat, Poultry and Other Food Products

APPENDIX A

Retail Food Sanitary Inspection Report

APPENDIX B

Examination Date Notification Form

APPENDIX C

Class Enrollment Form

APPENDIX D

Permission to Retake Certification Examination Form

APPENDIX E

Monitor's Agreement Form

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 501 et seq.) [410 ILCS 620] and the Sanitary Food Preparation Act (Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 66.90 et seq.) [410 ILCS 650] and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 521) [410 ILCS 620/21] and Section 11.1 of the Sanitary Food Preparation Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 77.1) [410 ILCS 650/11.1] and the Food Handling Regulation Enforcement Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 330 et seq.) [410 ILCS 625].

SOURCE: Adopted December 23, 1975; amended at 2 Ill. Reg. 19, p. 180, effective May 13, 1978; old rules repealed, new rules adopted and codified at 7

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Ill. Reg. 1336, effective January 25, 1983; amended at 7 Ill. Reg. 16415, effective November 23, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989; amended at 13 Ill. Reg. 18888, effective December 1, 1989; amended at 14 Ill. Reg. 19975, effective January 1, 1991; amended at 14 Ill. Reg. 20535, effective January 1, 1991; amended at 16 Ill. Reg. 15995, effective October 1, 1992; amended at 17 Ill. Reg. 18588, effective October 15, 1993; amended at 19 Ill. Reg. _____, effective _____.

SUBPART B: FOOD SUPPLIES

Section 750.110 Special Requirements

- a) Fluid milk and fluid-milk products used or served shall be pasteurized and shall meet the Grade A quality standards as established by law. Dry milk and dry-milk products shall be pasteurized.
- b) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker/packer, or repacker, and the interstate certification number issued according to the law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by the attached tag that states the name and address of the original shell stock processor, the repacker or reshipper, the kind and quantity of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency. Each tag affixed to a container of certified shell stock along with its accompanying invoice and each shucked shellfish invoice shall be retained for a period of 90 days and be made available for inspection by the health department.
- c) Only clean whole Grade A eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products shall be used, except that hard boiled peeled eggs, commercially prepared and packaged may be used.
- d) All meat of mammalian and avian origin shall be inspected and approved as human food by the Illinois Department of Agriculture or the United States Department of Agriculture and bear the stamp or mark as required by the aforementioned departments.
- e) Each retail food establishment location shall obtain written permission from the appropriate regulatory authority responsible for retail food protection in that jurisdiction before packaging foods in a reduced oxygen atmosphere. Reduced oxygen packaging shall consist of cook-chill processing, vacuum-packaging, modified atmosphere packaging (MAP) or controlled atmosphere packaging (CAP). The request

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from the retail establishment and approval from the regulator shall be product specific and shall be issued according to the requirements listed in Subpart K of this Part.

f) Every food pre-packaged in advance of retail sale must bear the following information in English on its label:

- 1) The common and/or usual name of the product;
- 2) The name, address and zip code of the manufacturer, processor, packer, preparer or distributor;
- 3) The net contents of the package;
- 4) A list of ingredients in the order of their predominance by weight with ingredients shown by their common or usual name; and
- 5) A list of any artificial color, artificial flavor or preservative used.

g) Foods packaged or repackaged by charitable or not-for-profit organizations for distribution to people in need shall bear the common and/or usual name of the product and the name of the distributing organization. A list of ingredients for any multi-ingredient product shall be posted or made available upon request. Prepared, ready-to-eat foods donated by food service establishments to charitable or not-for-profit organizations are exempt from the ingredient listing requirements of this subsection.

h) The processing and labeling of ground meats/poultry and other meat/poultry products shall be done in compliance with Subpart L of this Part.

i) Pasteurized soft serve mix and frozen desserts shall comply with the Standards listed below.

Product	Bacterial standard plate count not more than	Coliform determination temperature not more than	Storage temperature
Mix	50,000/ml*	10/ml	4540 degrees F
Frozen Dessert Plain	50,000/ml*	10/ml	Frozen
Frozen Dessert Flavored	50,000/ml*	20/ml	Frozen

The products shall be tested in accordance with tests and examinations contained in the 15th edition of Official Methods of Analysis of the Association of Official Analytical Chemists or in the 15th edition of Standard Methods for the Examination of Dairy Products.

*Except frozen yogurt with live culture added.

j) If a raw or under-cooked animal food, such as beef, eggs, fish, lamb, game animals, pork, poultry or shellfish is offered in ready-to-eat form or as a raw ingredient in another ready-to-eat food by a food

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service establishment, the food service establishment operator shall notify consumers of the significantly increased health risk of eating such foods in raw or undercooked form for highly susceptible individuals, such as the elderly, young children under age 5, pregnant women, and individuals with compromised immune systems. Such notification shall consist of the following written statement, which may be in the form of a brochure, deli case or menu advisory, label statement, table tent, placard or other written notification that is visible to patrons:

"Eating raw or under-cooked animal food, such as beef, eggs, fish, lamb, game animals, pork, poultry or shellfish, poses a significant health risk to the elderly, young children under age 5, pregnant women, and individuals with compromised immune systems."

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 750.120 General - Food Protection

a) At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage or overhead dripage from condensation. The temperature of potentially hazardous foods shall be 40-45 degrees F. or below or 140 degrees F. or above at all times, except as otherwise provided in this Part.

b) In the event of a fire, flood, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the regulatory authority. Upon receiving notice of this occurrence, the regulatory authority shall take whatever action that it deems necessary to protect the public health.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 750.140 Refrigerated Storage

a) Enough conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each mechanically refrigerated storage facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to plus or minus 3 degrees F., located to

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measure the air temperature in the warmest part of the facility and located to be easily readable. Recording thermometers, accurate to plus or minus 3 degrees F. may be used in lieu of indicating thermometers.

b) Potentially hazardous food requiring refrigeration after preparation shall be labeled or tagged with the date and time of preparation and rapidly cooled to an internal temperature of 40-45 degrees F. or below. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled, utilizing such methods as limiting depth of food to 4 inches or less, agitation, quick chilling or water circulation external to the food container ~~so that the cooling period shall not exceed 4 hours~~. Potentially hazardous food to be transported shall be pre-chilled and held at a temperature of 40-45 degrees F. or below unless maintained in accordance with Section 750.150.

1) Cooked potentially hazardous food shall be cooled:

- A) From 140°F. (60°C) to 70°F. (21°C) within 2 hours; and
- B) From 70°F. (21°C) to 40°F. (4.5°C), or below, within 4 hours.

2) Potentially hazardous food shall be cooled to 40°F. (4.5°C) or below within 4 hours if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

3) Fluid milk and milk products, shell eggs, and molluscan shellstock received in compliance with laws regulating the respective food during shipment from the supplier shall be cooled to 40°F. (4.5°C) or below within 4 hours.

c) Frozen foods shall be kept frozen and should be stored at a temperature of 0 degrees F. or below.

d) Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers or food utensils, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head. Ice used for cooling stored food and food containers shall not be used for human consumption.

e) Upon delivery, intact shell eggs shall be stored at a temperature of 40-45 degrees Fahrenheit or less.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 750.160 General - Food Preparation

Food shall be prepared with the least possible manual contact, with suitable utensils and on surfaces that prior to use have been cleaned, rinsed and sanitized to prevent cross-contamination. Except when washing fruits and vegetables, food employees may not contact exposed ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, or single-use gloves.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

animal foods such as eggs, fish, poultry, meat, and foods containing these raw animal foods, shall be cooked to heat all parts of the food to a temperature and for a time that are at least:

- 1) 145°F. (63°C) or above for 15 seconds for:
 - A) Shell eggs that are broken and prepared in response to a consumer's order and for immediate service, and
 - B) Fish and meat that are not specified in subsection (a)(2) of this Section;
- 2) For pork and game animals, comminuted fish and meats, injected meats, and eggs that are not prepared as specified in subsection (a)(1)(A) of this Section, 155°F. (68°C) for 15 seconds or the temperature specified in Section 750.185 that corresponds to the cooking time;
- 3) As specified in Section 750.187 for roasts of beef and corned beef; or
- 4) 165°F. (74°C) or above for 15 seconds for field-dressed wild game animals, poultry, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, or stuffing containing fish, meat, or poultry.

b) Raw animal foods, such as raw, marinated fish; raw molluscan shellfish; and steak tartare or partially cooked foods, such as lightly cooked fish; rare meat; and soft cooked eggs, that are served or offered for sale in a ready-to-eat form are exempt from the requirements of subsections (a)(1) through (4) of this Section, provided that the food service establishment serving the food follows the notification requirements specified in Section 750.110(j). Establishments such as nursing homes, hospitals, day care centers and nursery schools that serve a highly susceptible population, including the elderly, young children under age 5, pregnant women, and individuals who are ill or have compromised immune systems, shall not be exempt from the requirements of subsections (a)(1) through (4) of this Section.

- c) Beef roasts shall be cooked:
 - 1) In an oven that is preheated to the temperature specified for their weight in Section 750.186 and that is held at, or above, that temperature; and
 - 2) To a food temperature as specified in Section 750.187 and held for the corresponding amount of time specified in Section 750.187 for that temperature.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 750.185 Minimum Food Temperature and Holding Time Required Under Section 750.180(a)(2) for Cooking All Parts of Pork and Game Animals, Comminuted Fish and Meats, and Injected Meats

	Minimum Temperature	Holding Time
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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 750.180 Cooking Potentially Hazardous Foods

Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140 degrees F. except that:

- a) Poultry, poultry stuffing, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165 degrees F. with no interruption of the cooking process.
- b) Pork and pork products shall be cooked to heat all parts of the food to at least 150 degrees F. or if cooked in a microwave oven, to at least 170 degrees F.
- c) When beef roasts under 10 pounds in weight are cooked in a still-dry heat oven, the oven shall be preheated to and held at an air temperature of at least 350 degrees F. throughout the process. If cooked in a convection oven, the oven shall be preheated to and held at an air temperature of at least 325 degrees F. throughout the process.
- d) When beef roasts of 10 pounds or over in weight are cooked in a dry heat oven, the oven shall be preheated to and held at an air temperature of at least 350 degrees F. throughout the process. Further, in order to meet the public health requirements for the process as cited above, the following table lists the minimum internal temperature of the beef roasts for the minimum time the roast needs to be held at such temperature:

Minimum Holding Times for Beef Roasts at Various Internal Temperatures

Minimum Internal Temperature	Minimum Holding Time	Minimum Holding Time
a-p	a-p	Minutes
130	130	19
131	139	15
132	140	12
133	141	10
134	142	8
135	143	6
136	144	5
137	24	

e) Beef roasts, if cooked in a microwave oven, shall be cooked to an internal temperature of at least 145 degrees F.

a) Except as specified in subsections (b) and (c) of this Section, raw

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°F (°C)

145 (63) 3 minutes
150 (66) 1 minute

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 750.186 Oven Parameters Required for Destruction of Pathogens on the Surface of Roasts of Beef and Corned Beef

Oven Type

Oven Temp

Roast Weight

Less than or equal to 4.5 kg (10 lbs.) Greater than 4.5kg (10lbs.)

Still Dry
Convection
High Humidity(1)

350°F. (177°C) 250°F. (121°C)
325°F. (163°C) 325°F. (163°C)
< 250°F. (121°C) < 250°F. (121°C)

(1) Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or exit of the oven or in a moisture-impermeable bag that provides 100% humidity

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 750.187 Minimum Holding Times Required at Specified Temperatures for Cooking All Parts of Roasts of Beef and Corned Beef

Temp. °F(°C)	Time(1) minutes	Temp. °F(°C)	Time(1) minutes	Temp. °F(°C)	Time(1) minutes
130(54)	121 minutes	136(58)	32 minutes	142(61)	8 minutes
132(56)	77 minutes	138(59)	19 minutes	144(62)	5 minutes
134(57)	47 minutes	140(60)	12 minutes	145(63)	3 minutes

(1) Holding time may include postoven heat rise

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(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 750.189 Microwave Cooking

Raw animal foods cooked in a microwave oven shall be:
a) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;

b) Covered to retain surface moisture;

c) Heated an additional 25°F. (14°C) above the temperature specified in Section 750.180(c)(1), (2) and (4) to compensate for shorter cooking times; and

d) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 750.240 Thawing Potentially Hazardous Foods

Potentially hazardous foods shall be thawed:

a) In refrigerated units in a way that the temperature of the food does not exceed 40-45 degrees F.; or

b) Under potable running water at a temperature of 70 degrees F. or below, with sufficient water velocity to agitate and float off loose food particles into the over-flow; or

c) In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

d) As part of the conventional cooking process.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 750.250 Food Display and Service of Potentially Hazardous Food

Potentially hazardous foods shall be kept at an internal temperature of 40-45 degrees F. or below or at an internal temperature of 140 degrees F. or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130 degree F.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 750.310 Milk and Cream Dispensing

a) Milk and milk products for drinking purposes shall be provided to the

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consumer in an unopened, commercially filled package not exceeding one pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where bulk milk dispenser for milk and milk products is not available and portions of less than one-half pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially-filled container of not more than one-half gallon capacity.

- b) Milk and milk products for drinking purposes in hospitals, nursing homes or day care centers may be dispensed from commercially filled containers into individual serving vessels by food service personnel for service to the consumer.
- c) Cream or half and half shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.
- d) Remote mix supplying systems for frozen dessert dispensers shall be so designed, constructed, refrigerated and equipped that all mix therein is maintained at not more than 40 ⁺ 45° F. until subject to freezing. Product pumps and flexible lines shall be maintained under continuous refrigeration or insulation when product is within the system. Systems shall be supported and sloped to drain at least one inch per ten feet, preventing retention of fluid. All product lines shall be equipped with an indicating thermometer accurate to plus or minus 2° F. Flexible plastic lines are permitted up to 30 feet if they are in one continuous length and contain sanitary fittings on the terminal ends.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Retail Food Store Sanitation Code

2) Code Citation:

77 Ill. Adm. Code 760

3) Section Numbers:

760.110
760.120
760.150
760.170
760.190
760.195
760.196
760.197
760.199
760.230
760.240

Proposed Action:

Amendment
Amendment
Amendment
Amendment
New Section
New Section
New Section
Amendment
Amendment

4) Statutory Authority:

Illinois Food, Drug and Cosmetic Act

(Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 501 et seq.) [410 ILCS 620]

Sanitary Food Preparation Act

(Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 66.90 et seq.) [410 ILCS 650]

Food Handling Regulation Enforcement Act

(Ill. Rev. Stat. 1991, ch 56 1/2, pars. 330 et seq.) [410 ILCS 625]

5) A Complete Description of the Subjects and Issues Involved:

Foodborne illness in the United States is a major cause of illness and preventable death. An estimated 24 to 81 million people become ill from microorganisms in food, resulting in an estimated 10,000 needless deaths every year. The Centers for Disease Control and Prevention have consistently reported the factors most frequently implicated in causing foodborne outbreaks as time-temperature control, poor personal hygiene, and cross-contamination. In addition, increasing numbers of individuals with weak or compromised immune systems, including the very young, elderly, patients with certain diseases such as cancer, liver disease and AIDS, and pregnant women, present a segment of the population who are extremely susceptible to foodborne pathogens.

The U.S. Food and Drug Administration (FDA) released the 1993 Food Code in

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early spring 1994, to replace the present model codes used as a basis for regulating food service establishments and retail food stores. The Department convened an Illinois Food Code Committee to determine the best method of incorporating the FDA Food Code into Illinois rules. The Committee members consist of local health departments, retail industry organizations and professional organizations interested in retail food safety. While the Committee continues its task of reviewing the 450 page FDA document, the Department has decided to initiate a rulemaking which includes several critical issues from the FDA Food Code. The Department believes that proposing these portions of the model code in a more timely manner than it would take to propose the entire model code will provide an increased level of food protection in the interim. The sections from FDA's Food Code chosen for immediate promulgation include time and temperature control requirements for potentially hazardous foods, consumer advisories for raw and undercooked animal foods, and restrictions on direct hand contact with ready-to-eat foods.

Epidemiological investigations in recent years have identified emerging foodborne pathogens and certain types of foods that were previously not considered a problem. The hundreds of illnesses in Jack in The Box outbreak of *E. coli* 0157:H7 associated with eating undercooked hamburgers is one illustration. *Salmonella enteritidis* associated with an undercooked egg dish was a problem in a Chicago convention hotel outbreak several years ago involving more than a thousand illnesses. Certain types of food typically eaten raw have caused documented foodborne illness such as *Vibrio vulnificus* infections from consuming raw oysters and toxoplasmosis (*Toxoplasma gondii*) from eating raw wild game tartare. Poor personal hygiene and direct hand contact with ready-to-eat foods, frequently the case in fast food establishments, have caused foodborne outbreaks of Hepatitis A, *Staphylococcus aureus* intoxication and numerous Norwalk-like viral infections.

This proposed rulemaking will address these problems from several different fronts. First, cooking times and temperatures for certain high risk foods (hamburgers, wild game, eggs, etc.) will be increased to assure microbiological destruction. Procedures for microwave oven cooking are detailed in the proposed rules because of the risk of uneven cooking resulting in survival of pathogens. Required refrigeration storage temperatures will be lowered by 5 degrees Fahrenheit to help retard multiplication of bacteria that could potentially reach high levels during extended storage at higher temperatures.

Another issue that this rulemaking addresses is hand contact with ready-to-eat foods (such as sandwiches, tacos, salads, bread, etc.) that do not receive heat treatment to destroy pathogens at a later time. The proposed rulemaking requires food handlers to use an appropriate utensil (spoon, fork, tongs, etc.), tissue or waxed paper or single-service plastic or rubber gloves when handling ready-to-eat food, to prevent

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contamination from being reintroduced to the food.

The proposed rulemaking will also require a written consumer advisory to be displayed at food establishments that offer raw or undercooked animal foods in ready-to-eat form. The consumption of raw or undercooked animal foods presents a significant increase in risk to certain vulnerable populations. The consumer advisory will allow these high risk individuals (the ill, the elderly, the very young, pregnant women, etc.) to become better informed about the potential for foodborne illness and will give them a chance to contact their physician for advice. The Department and the Illinois Food Code Committee are also involved in developing a technical brief on consumer advisories for use by local health departments and the retail food industry. The brief will detail the specific segments of the population who are at increased risk, types of raw and undercooked animal foods that are targeted, foodborne pathogens that may be associated with these foods and a sample consumer advisory which food establishments may use.

Local health department food protection programs, retail food industry organizations and many other interested individuals have received notice and a copy of these proposed amendments to the rules with a request for comments. The Department has heard of a great deal of support for the rulemaking as a needed change based on science and epidemiological investigations. The Illinois Restaurant Association, Illinois Food Retailers Association, Illinois Retail Merchants Association and National Automatic Merchandising Association have been active in discussing and developing these rules and supporting educational materials.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? No
- 9) Are there any Other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives:

To increase the level of safety of food provided directly to the consumer.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. Devito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

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These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. Devito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses Affected:

Small food service establishments and retail food stores.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

C) Types of Professional Skills Necessary for Compliance:

Each food service establishment requires supervisory oversight by a food manager certified in food service sanitation. This is a current requirement and not added by the proposed rulemaking.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 760

RETAIL FOOD STORE SANITATION CODE

SUBPART A: GENERAL PROVISIONS

Section	Purpose
760.10	Incorporated Materials
760.15	Definitions
760.20	Inspections and Inspection Report
760.30	

SUBPART B: FOOD

Section	
760.100	General - Food Supplies
760.110	Special Requirements for Food Supplies
760.120	General - Food Protection
760.130	Emergency Occurrences
760.140	General - Food Storage
760.150	Refrigerated/Frozen Storage
760.160	Hot Storage
760.165	Damaged Food Containers
760.170	General - Food Preparation
760.180	Preparing Raw Fruits and Raw Vegetables
760.190	Cooking Potentially Hazardous Foods
760.195	Minimum Food Temperature and Holding Time Required Under Section 760.190(a)(2) for Cooking All Parts of Pork and Game Animals, Comminuted Fish and Meats, and Injected Meats
760.196	Oven Parameters Required for Destruction of Pathogens on the Surface of Roasts of Beef and Corned Beef
760.197	Minimum Holding Times Required at Specified Temperatures for Cooking All Parts of Roasts of Beef and Corned Beef
760.199	Microwave Cooking
760.200	Bakery Product Fillings
760.210	Reheating
760.220	Food Product Thermometers
760.230	Thawing Potentially Hazardous Foods
760.240	Displaying Potentially Hazardous Foods
760.250	Displaying Frozen Foods
760.260	Food Display
760.270	Dispensing Utensils
760.280	Food Sample Demonstrations and Food Promotions
760.290	General - Food Transportation by the Retail Food Store

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SUBPART C: PERSONNEL

Section

760.400 General - Employee Health
 760.410 General - Personal Cleanliness
 760.420 General - Clothing
 760.430 General - Employee Practices

SUBPART D: EQUIPMENT AND UTENSILS

Section

760.500 General - Materials
 760.510 Solder
 760.520 Wood
 760.530 Plastics and Rubber Materials
 760.540 Cutting Surfaces
 760.550 Single-Service Articles
 760.560 General - Design and Fabrication
 760.570 Accessibility
 760.580 Cleaned in Place (CIP)
 760.590 Food Product Thermometers
 760.600 Non-Food-Contact Surfaces
 760.610 Ventilation Hoods
 760.620 Maintenance of Equipment and Utensils
 760.630 General - Equipment Installation and Location
 760.640 Table-Mounted Equipment
 760.650 Floor-Mounted Equipment
 760.660 Aisles and Working Spaces

SUBPART E: CLEANING, SANITIZATION,
AND STORAGE OF EQUIPMENT AND UTENSILS

Section

760.700 Cleaning Frequency
 760.710 Wiping Cloths
 760.720 Manual Cleaning and Sanitizing
 760.730 Mechanical Cleaning and Sanitizing
 760.740 Drying
 760.750 Retail Food Stores Without Equipment and Utensil Cleaning Facilities
 760.760 Equipment and Utensil Handling
 760.770 Equipment and Utensil Storage
 760.780 Single-Service Articles Handling and Storage
 760.790 Prohibited Storage Areas

SUBPART F: SANITARY FACILITIES AND CONTROLS

Section

760.900 General - Water Supply

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760.910 Water Delivery
 760.920 Water Under Pressure
 760.930 Steam
 760.940 General - Sewage
 760.950 General - Plumbing
 760.960 Nonpotable Water System
 760.970 Backflow
 760.980 Grease Traps
 760.990 Garbage Grinders
 760.1000 Drains
 760.1010 Toilet Installation
 760.1020 Toilet Design
 760.1030 Toilet Rooms
 760.1040 Toilet Facility Maintenance
 760.1050 Handwashing Facility Installation
 760.1060 Handwashing Facility Faucets
 760.1070 Handwashing Supplies
 760.1080 Handwashing Facility Maintenance
 760.1090 Garbage and Refuse Containers
 760.1100 Garbage and Refuse Container Storage
 760.1110 Garbage and Refuse Disposal
 760.1120 General - Insect and Rodent Control
 760.1130 Openings to be Protected Against Entry of Rodents and Insects

SUBPART G: CONSTRUCTION AND MAINTENANCE
OF PHYSICAL FACILITIES

Section

760.1200 Floor Construction
 760.1210 Floor Carpeting
 760.1220 Prohibited Floor Covering
 760.1230 Mats and Duckboards
 760.1240 Utility Line Installation
 760.1250 Wall and Ceiling Maintenance
 760.1260 Wall and Ceiling Construction
 760.1270 Exposed Construction of Walls and Ceilings
 760.1280 Utility Line Installation in or on Walls and Ceilings
 760.1290 Attachments to Walls and/or Ceilings
 760.1300 Wall and Ceiling Covering Material Installation
 760.1310 General - Cleaning Physical Facilities
 760.1320 Service Sinks for Cleaning
 760.1330 General - Lighting
 760.1340 Protective Light Shielding
 760.1350 General - Ventilation
 760.1360 Dressing Rooms and Areas
 760.1370 Locker Areas
 760.1380 Poisonous or Toxic Materials Permitted
 760.1390 Labeling of Poisonous or Toxic Materials

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760.1400 Storage of Poisonous or Toxic Materials
 760.1410 Use of Poisonous or Toxic Materials
 760.1420 Storage and Display of Poisonous or Toxic Materials for Retail Sale
 760.1430 First-Aid Supplies and Personal Medications
 760.1440 General - Premises
 760.1450 Living Areas
 760.1460 Laundry Facilities
 760.1470 Linens and Work Clothes Storage
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 760.1490 Animals

SUBPART H: NEW FACILITIES AND EXISTING
EQUIPMENT AND FACILITIES

Section
 760.1600 New Facilities
 760.1610 Existing Equipment and Facilities

SUBPART I: TEMPORARY RETAIL FOOD STORES

Section
 760.1700 General - Temporary Retail Food Stores
 760.1710 Restricted Operations
 760.1720 Wet Storage
 760.1730 Waste Disposal
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SUBPART J: REDUCED OXYGEN PACKAGING

Section
 760.2000 General
 760.2010 Acceptable Products
 760.2020 Employee Training
 760.2030 Refrigeration Requirements
 760.2031 Labeling - Refrigeration Statements
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 760.2040 Safety Barriers
 760.2041 Fish and Fishery Products
 760.2042 Safety Barrier Verification
 760.2050 Hazard Analysis Critical Control Point (HACCP) Program
 760.2060 Precautions Against Contamination
 760.2070 Disposition of Expired Product
 760.2080 Dedicated Area/Restricted Access

SUBPART K: MEAT/POULTRY PROCESSING AND LABELING

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Section
 760.3000 Exceptions
 760.3100 Meat and Poultry Labeling
 760.3200 Smoked Meat, Poultry and Other Food Products

APPENDIX A Retail Food Sanitary Inspection Report

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 501 et seq.) [410 ILCS 620] and the Sanitary Food Preparation Act (Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 66.90 et seq.) [410 ILCS 650], and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 521) [410 ILCS 620/21], Section 11.1 of the Sanitary Food Preparation Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 77.1) [410 ILCS 650/11.1] and the Food Handling Regulation Enforcement Act (Ill. Rev. Stat. 1991, ch. 56 1/2, par. 330 et seq.) [410 ILCS 625].

SOURCE: Adopted September 16, 1988; old rules repealed and new rules adopted and codified at 7 Ill. Reg. 1382, effective January 25, 1983; amended at 7 Ill. Reg. 8532, effective July 8, 1983; amended at 11 Ill. Reg. 2440, effective February 1, 1987; amended at 11 Ill. Reg. 18743, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14391, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17935, effective December 1, 1988; amended at 13 Ill. Reg. 1830, effective January 30, 1989; amended at 13 Ill. Reg. 18621, effective December 1, 1989; amended at 16 Ill. Reg. 16050, effective October 1, 1992; amended at 19 Ill. Reg. _____, effective _____.

SUBPART B: FOOD

Section 760.110 Special Requirements for Food Supplies

- a) Fluid milk and fluid milk products used or offered for sale shall comply with the Grade 'A' standards as established by law. Dry milk and milk products used or offered for sale shall be made from pasteurized milk and milk products.
- b) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be received and/or repacked in non-returnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the State certification number issued according to law. Shucked shellfish shall be kept in the container in which they were received until used or sold. Each tag affixed to a container of certified shell stock along with its accompanying invoice and each shucked shellfish invoice shall be retained for a period of 90 days and be made available for inspection by the health department.
- c) Each original container of unshucked shellfish (oysters, clams, or mussels) shall be identified by an attached tag, to be retained for a period of 90 days, that states the name and address of the original shellfish processor, the kind and quantity of shellfish, and the

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certification number issued by the State or foreign shellfish control agency, where applicable. Each shucked shellfish invoice shall be retained for a period of 90 days and be made available for inspection by the health department.

- d) Only clean shell Grade A eggs meeting applicable grade standards or pasteurized liquid, frozen or dry eggs, or pasteurized dry egg products shall be used or offered for sale.
- e) Only ice which has been manufactured from potable water and handled in a sanitary manner shall be used or offered for sale. Ice offered for sale shall be packaged.
- f) All meat of mammalian and avian origin shall be inspected and approved as human food by the Illinois Department of Agriculture or the United States Department of Agriculture and bear the stamp or mark as required by the aforementioned departments.
- g) Each retail food establishment location shall obtain written permission from the appropriate regulatory authority responsible for retail food protection in that jurisdiction before packaging foods in a reduced oxygen atmosphere. Reduced oxygen packaging shall consist of cook-chill processing, vacuum-packaging, modified atmosphere packaging (MAP) or controlled atmosphere packaging (CAP). The request from the retail establishment and approval from the regulator shall be product specific and shall be issued according to the requirements listed in Subpart K of this Part.
- h) Every food pre-packaged in advance of retail sale must bear the following information in English on its label (Bulk foods require the same information to be provided on placards, bin labels or counter cards, excluding net contents.):
 - 1) The common and/or usual name of the product;
 - 2) The name, address and zip code of the manufacturer, processor, packer, preparer or distributor;
 - 3) The net contents of the package;
 - 4) A list of ingredients in the order of their predominance by weight with ingredients shown by their common or usual name; and
 - 5) A list of any artificial color, artificial flavor or preservative used.
- i) Foods packaged or repackaged by charitable or not-for-profit organizations for distribution to people in need shall bear the common and/or usual name of the product and the name of the distributing organization. A list of ingredients for any multi-ingredient product shall be posted or made available upon request. Prepared, ready-to-eat foods donated by food service establishments to charitable or not-for-profit organizations are exempt from the ingredient listing requirements of this subsection.
- j) The processing and labeling of ground meats/poultry and other meat/poultry products shall be done in compliance with Subpart K of this Part.
- k) Pasteurized soft serve mix and frozen desserts shall comply with the Standards listed below.

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Product	Bacterial standard plate count not more than	Coliform determination not more than	Storage temperature
Mix	50,000/ml*	10/ml	4540 degrees F.
Frozen Dessert	50,000/ml*	10/ml	Frozen
Plain Frozen Dessert Flavored	50,000/ml*	20/ml	Frozen

The products shall be tested in accordance with tests and examinations contained in the 15th edition of Official Methods of Analysis of the Association of Official Analytical Chemists or in the 15th edition of Standard Methods for the Examination of Dairy Products.

*Except frozen yogurt with live culture added.

1) If a raw or under-cooked animal food, such as beef, eggs, fish, lamb, game animals, pork, poultry or shellfish, is offered in ready-to-eat form or as a raw ingredient in another ready-to-eat food by a food service establishment, the food service establishment operator shall notify consumers of the significantly increased health risk of eating such foods in raw or undercooked form for highly susceptible individuals, such as the elderly, young children under age 5, pregnant women, and individuals with compromised immune systems. Such notification shall consist of the following written statement, which may be in the form of a brochure, deli case or menu advisory, label Statement, table tent, placard or other written notification that is visible to patrons:

"Eating raw or under-cooked animal food, such as beef, eggs, fish, lamb, game animals, pork, poultry or shellfish, poses a significant health risk to the elderly, young children under age 5, pregnant women, and individuals with compromised immune systems."

REASON: The quality and safety of products used or offered for sale by the retail food store is based on the condition of the food at the time it is received from the supplier. Food must first have been protected during production, processing, packaging, storage, and transportation if it is to be acceptable for the consumer following food store operations. Even the best quality control and public health measures at the food store cannot improve food which is marginal or unacceptable when received.

The requirements of these Sections are designed to reduce the risk of receiving food which is of unacceptable quality and safety. The use or sale of non-commercially packaged hermetically sealed food is prohibited because of the history of such food in causing foodborne illness. The special requirements for eggs and egg products and for milk and milk products are included because these products are

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exceptionally good media for the growth of pathogens. Labeling requirements for shellfish provide a means of assuring that the source of the shellfish is under the control of a regulatory authority.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 760.120 General - Food Protection

At all times, including while being stored, prepared, displayed, dispensed, packaged, or transported, food shall be protected from cross-contamination between foods and from potential contamination by insects, insecticides, rodents, rodenticides, probe-type price or probe-type identification tags, unclean equipment and utensils, unnecessary handling, flooding, draining, and overhead leakage or condensation, or other agents of public health significance. The temperature of potentially hazardous foods shall be 45 40°F or below or 140°F or above, at all times, except as otherwise provided in this Part. Hermetically sealed packages shall be handled so as to maintain product and container integrity. Food items that are spoiled or that are in damaged containers that may affect the product and those food items that have been returned to, or are being detained by, the retail food store because of spoilage, container damage, or other public health considerations, shall be segregated and held in designated areas pending proper disposition unless disposed of under the supervision of the regulatory authority.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 760.150 Refrigerated/Frozen Storage

- Refrigeration units or effectively insulated units shall be provided in such number and of such capacity to assure the maintenance of potentially hazardous food at required temperatures during storage.
- Each mechanically refrigerated unit storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to +3°F. The sensing element shall be located to measure the air temperature in the unit at a location that is representative of the air temperature in the unit. The thermometer scale shall be located to be easily readable. Recording thermometers, accurate to +3°F may be used in lieu of indicating thermometers.
- Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of 45 40 °F or below. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled utilizing such methods as shallow pans, agitation, quick chilling, or water circulation external to the food container ~~so that the cooling period shall not exceed four to four hours.~~ Potentially hazardous food to be transported shall be pre-chilled and held at a temperature of 40 45°F or below unless

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maintained in accordance with the hot storage requirements of this Part.

- Cooked potentially hazardous food shall be cooled:
 - From 140°F (60°C) to 70°F (21°C) within 2 hours; and
 - From 70°F (21°C) to 40°F (4.5°C), or below, within 4 hours.
- Potentially hazardous food shall be cooled to 40°F (4.5°C) or below within 4 hours if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.
- Fluid milk and milk products, shell eggs, and molluscan shellstock received in compliance with laws regulating the respective food during shipment from the supplier shall be cooled to 40°F (4.5°C) or below within 4 hours.
- Potentially hazardous frozen foods shall be kept frozen and should be stored at an air temperature of 0°F or below except for defrost cycles and brief periods of loading or unloading.
- Ice used as a cooling medium for food storage shall not be used or sold for human consumption.
- Upon delivery, intact shell eggs shall be stored at a temperature of 45 40°F or less.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 760.170 General - Food Preparation

- Food shall be prepared with a minimum of manual contact. Food shall be prepared on food-contact surfaces and with utensils which are clean and have been sanitized. Except when washing fruits and vegetables, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, or single-use gloves.
- Each time there is a change in processing between raw beef, raw pork, raw poultry or raw seafood, or a change in processing from raw to ready-to-eat foods, each new operation shall begin with food-contact surfaces and utensils which are clean and have been sanitized. Salads and other ready-to-eat foods should be prepared in separate rooms or in areas that are separated by a barrier or open space from areas used for processing potentially hazardous raw products.
- Potentially hazardous foods that are in a form to be consumed without further cooking such as salads, sandwiches, and filled pastry products should be prepared from chilled products.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 760.190 Cooking Potentially Hazardous Foods

~~Potentially hazardous foods being processed within the retail food store by~~

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cooking--shall-be-cooked-to-heat-all-parts-of-the-food-to-a-temperature-of-at-least-140°F, except that:

- a) Poultry-poultry-stuffings-stuffed-meat-and-stuffings-containing meat--shall-be-cooked-to-heat-all-parts-of-the-food-to-at-least-165°F with no interruption of the cooking process.
- b) Pork-and-pork-products-shall-be-cooked-to-heat-all-parts-of-the-food to-at-least-150°F--or--if-cooked-in-a-microwave-oven--to-at-least 170°F.
- c) When-beef-roasts-under-10-pounds-in-weight-are-cooked-in-a-still-dry heat-oven--the-oven-shall-be-preheated-to--and-held-at-an-air temperature-of-at-least-350°F-throughout-the-process--if-cooked-in-a convection-oven--the-oven-shall-be-preheated-to-and-held-at-an-air temperature-of-at-least-325°F-throughout-the-process.
- d) When-beef-roasts-of-10-pounds-or-over-in-weight-are-cooked-in-a-dry heat-oven--the-oven-shall-be-preheated-to--and-held-at-an-air temperature-of-at-least-350°F-throughout-the-process.
- e) Further-in-order-to-meet-public-health-requirements-for-the-processes cited-above--the-following-table--lists--the--minimum--internal temperature--of-the-beef-roast-for-the-minimum-time-the-roast-needs-to be-held-at-such-temperature.

Minimum-Holding-Time-for-Beef-Roasts
at-Various-Internal-Temperatures

Minimum-internal holding temperature	ap	Minimum-holding		Minimum-internal temperature	ap	Minimum time	
		Minutes	time			Minutes	time
130		121		130		19	
131		97		139		15	
132		77		140		12	
133		62		141		10	
134		47		142		8	
135		37		143		6	
136		32		144		5	
137		24					

f) Beef-roasts--if-cooked-in-a-microwave-oven--shall-be-cooked--to--an internal-temperature-of-at-least-145°F.

a) Except as specified in subsections (b) and (c) of this Section, raw animal foods such as eggs, fish, poultry, meat, and foods containing these raw animal foods, shall be cooked to heat all parts of the food to a temperature and for a time that are at least:

- 1) 145°F (63°C) or above for 15 seconds for:
 - A) Shell eggs that are broken and prepared in response to a consumer's order and for immediate service, and

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B) Fish and meat that are not specified in subsection (a)(2) of this Section:

- 2) For pork and game animals, comminuted fish and meats, injected meats, and eggs that are not prepared as specified in subsection (a)(1)(A) of this Section, 155°F (68°C) for 15 seconds or the temperature specified in Section 760.195 that corresponds to the cooking time;
- 3) As specified in Section 760.197 for roasts of beef and corned beef; or
- 4) 165°F (74°C) or above for 15 seconds for field-dressed wild game animals, poultry, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, or stuffing containing fish, meat, or poultry.
- b) Raw animal foods, such as raw, marinated fish: raw molluscan shellfish; steak tartare or partially cooked foods, such as lightly cooked fish; rare meat; and soft cooked eggs, that are served or offered for sale in a ready-to-eat form are exempt from the requirements of subsections (a)(1) through (4) of this Section, provided that the food service establishment serving the food follows the notification requirements specified in Section 760.110(1). Establishments such as nursing homes, hospitals, day care centers and nursery schools that serve a highly susceptible population, including the elderly, young children under age 5, pregnant women, and individuals who are ill or have compromised immune systems, shall not be exempt from the requirements of subsections (a)(1) through (4) of this Section.
- c) Beef roasts shall be cooked:
 - 1) In an oven that is preheated to the temperature specified for their weight in Section 760.196 and that is held at or above temperature; and
 - 2) To a food temperature as specified in Section 760.197 and held for the corresponding amount of time specified in Section 760.197 for that temperature.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 760.195 Minimum Food Temperature and Holding Time Required Under Section 760.190(a)(2) for Cooking All Parts of Pork and Game Animals, Comminuted Fish and Meats, and Injected Meats

Minimum

Temperature
°F (°C) Time

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145 (63) 3 minutes
150 (66) 1 minute
(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 760.196 Oven Parameters Required for Destruction of Pathogens on the Surface of Roasts of Beef and Corned Beef

Oven Type	Oven Temp
Roast Weight	
Less than or equal to 4.5 kg (10 lbs.)	Greater than 4.5 kg (10 lbs.)
Still Dry Convection	250°F (121°C)
High Humidity (1)	325°F (163°C)
(1) Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or exit of the oven or in a moisture-impermeable bag that provides 100% humidity	< 250°F (121°C)
(Source: Added at 19 Ill. Reg. _____, effective _____)	

Section 760.197 Minimum Holding Times Required at Specified Temperatures for Cooking All Parts of Roasts of Beef and Corned Beef

Temp.	Time(1)	Temp.	Time(1)
°F (°C)	°F (°C)	°F (°C)	
130 (54)	121 minutes	136 (58)	32 minutes
132 (56)	77 minutes	138 (59)	19 minutes
134 (57)	47 minutes	140 (60)	12 minutes
(1) Holding time may include postoven heat rise			
(Source: Added at 19 Ill. Reg. _____, effective _____)			

Section 760.199 Microwave Cooking

Raw animal foods cooked in a microwave oven shall be:
a) Rotated or stirred throughout or midway during cooking to compensate

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for uneven distribution of heat;
b) Covered to retain surface moisture;
c) Heated an additional 25°F (14°C) above the temperature specified in Section 760.190(c)(1), (2) and (4) to compensate for shorter cooking times; and
d) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.
(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 760.230 Thawing Potentially Hazardous Foods

Potentially hazardous foods shall be thawed:
a) In refrigerated units at a temperature not to exceed 40 45°F; or
b) Under potable running water at a temperature of 70°F or below, with sufficient water velocity to agitate and float off loose food particles into the overflow and for a period not to exceed that reasonably required to thaw the food; or
c) In a microwave oven only when the food will be immediately transferred to conventional cooking units as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
d) As part of the conventional cooking process.
(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 760.240 Displaying Potentially Hazardous Foods

Potentially hazardous foods shall be held at an internal temperature of 40 45°F or below or at an internal temperature of 140°F or higher during display, except that rare roast beef which is offered for sale hot shall be held at a temperature of at least 130°.
(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Superfecta2) Code Citation: 11 Ill. Adm. Code 311

3) Section Numbers: 311.15 Proposed Action: New Section
 311.25 New Section
 311.35 New Section
 311.40 Amendment

4) Statutory Authority: 230 ILCS 5/9(b)

5) A complete description of the subjects and issues involved: Section 311.15 requires that commissions be deducted from each Superfecta wager pursuant to the Act. Section 311.25 provides for refunds in the event there is a scratch in a Superfecta contest. Section 311.35 establishes minimum fields for Superfecta races. The amendment to Section 311.40 details the criteria for entries in Superfecta races.

6) Will these proposed amendments replace emergency amendments currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporation by reference? No.

9) Are there any other proposed amendments pending in this Part? No

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: All comments should be submitted in writing, within 30 days of this notice, to: Gina DiCaro, Legal Department, Illinois Racing Board, 100 West Randolph, Ste. 11-100, Chicago, Illinois 60601.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 12/19/94

B) Types of small business affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the proposed amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 311

SUPERFECTA

Section	
311.10	Superfecta
311.15	Pool Calculation
311.20	Pool Distribution
311.25	Scratches
311.30	Dead Heats
311.35	Minimum Fields
311.40	Entries and Fields

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 18 Ill. Reg. 7440, effective May 8, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 311.15 Pool Calculation

Commissions shall be deducted from the superfecta pool pursuant to Section 26.2 of the Act [230 ILCS 5/26.2] for wagers involving three or more betting interests. The balance of the pool, after commission deductions, shall be known as the net superfecta pool.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 311.25 Scratches

If there is a scratch in the superfecta race, all wagers which include the scratched horse shall be refunded.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 311.35 Minimum Fields

The superfecta shall have at least nine betting interests, except in the event of a late scratch, in which case the superfecta shall be permitted if eight betting interests start.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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Section 311.40 Entries and Fields

~~Coupled-entries-and-mutuel-fields-shall-be-prohibited-in-Superfecta-contests.~~

- a) Fields are prohibited in superfecta races.
- b) Only one entry (i.e., two or more horses with a common interest) either coupled or uncoupled (see 11 Ill. Adm. Code 1312.265 and 1413.48) shall be allowed in a superfecta race so long as it is a stakes race with a minimum purse of \$25,000.
- c) For harness racing, no entry, coupled or uncoupled, shall be allowed in a superfecta race which is not a stakes race.
- d) For overnight thoroughbred races one coupled entry shall be allowed.
- e) This Section shall not apply to races which are permitted for simulcasting under Section 26(g) of the Act (230 ILCS 5/26(g)).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Retailers' Occupation Tax2) Code Citation: 86 Ill. Adm. Code 1303) Section Numbers: Proposed Action:

130.331 New Section

4) Statutory Authority: Implementing the Retailers' Occupation Tax. 35 ILCS 120.

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the Department's rules concerning the Retailers' Occupation Tax Act to provide detailed rules on the Manufacturer's Purchase Credit. A Manufacturer's Purchase Credit is provided by P.A. 88-547 for purchases made on and after January 1, 1995, of manufacturing machinery and equipment. This amendment to the Retailers' Occupation Tax Act rules cross-references existing rules as appropriate.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No.7) Does this rulemaking contain an automatic repeal date? No.8) Does this rulemaking contain incorporations by reference? Yes.9) Are there any other proposed rulemakings pending on this part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
130.2007	Amendment	01/28/94, 18 Ill. Reg. 982
130.501	Amendment	10/14/94, 18 Ill. Reg. 15383
130.502	Amendment	10/14/94, 18 Ill. Reg. 15383
130.510	Amendment	10/14/94, 18 Ill. Reg. 15383
130.540	Amendment	10/14/94, 18 Ill. Reg. 15383

10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate, nor does it modify any existing state mandates.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Terry D. Charlton
Associate Counsel
Office of General Counsel
Illinois Department of Revenue

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101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Any small manufacturing business or any small business that sells manufacturing machinery or equipment or production related tangible personal property to manufacturers.

B) Reporting, bookkeeping or other procedures required for compliance: A manufacturer must report the credit earned or used to the Department of Revenue on forms provided by the Department. Suppliers and servicemen of manufacturers must obtain a Manufacturer's Purchase Credit certificate from the manufacturer and keep the certificate with the supplier's or serviceman's records.

C) Types of professional skills necessary for compliance: No additional skills are needed for compliance.

13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This rulemaking is in response to Public Act 88-547, effective June 30, 1994, creating the Manufacturer's Purchase Credit for purchases made on and after January 1, 1995, of manufacturing machinery and equipment.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section
130.101
130.105
130.110
130.111
130.115
130.120

Character and Rate of Tax
Responsibility of Trustees, Receivers, Executors or Administrators
Occasional Sales
Sale of Used Motor Vehicles by Leasing or Rental Business
Habitual Sales
Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section
130.201
130.205
130.210
130.215
130.220

The Test of a Sale at Retail
Sales for Transfer Incident to Service
Sales of Tangible Personal Property to Purchasers for Resale
Further Illustrations
Sales to Lessors of Tangible Personal Property

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section
130.305
130.310
130.315
130.320
130.321
130.325
130.330
130.331
130.335
130.340
130.345
130.350

Farm Machinery and Equipment
Food, Drugs, Medicines and Medical Appliances
Fuel Sold for Use in Vessels on Rivers Bordering Illinois
Gasohol
Fuel Used by Air Common Carriers in International Flights
Graphic Arts Machinery and Equipment Exemption
Manufacturing Machinery and Equipment
Manufacturer's Purchase Credit
Pollution Control Facilities
Rolling Stock
Oil Field Exploration, Drilling and Production Equipment
Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

Section
130.401
130.405

Meaning of Gross Receipts
How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser

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130.410 Cost of Doing Business Not Deductible
 130.415 Transportation and Delivery Charges
 130.420 Finance or Interest Charges--Penalties--Discounts
 130.425 Traded-In Property
 130.430 Deposit or Prepayment on Purchase Price
 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
 130.440 Penalties
 130.445 Federal Taxes
 130.450 Installation, Alteration and Special Service Charges
 130.455 Motor Vehicle Leasing and Trade-In Allowances

Section
 130.501 Monthly Tax Returns--When Due--Contents
 130.502 Quarterly Tax Returns
 130.505 Returns and How to Prepare
 130.510 Annual Tax Returns
 130.515 First Return
 130.520 Final Returns When Business is Discontinued
 130.525 Who May Sign Returns
 130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
 130.535 Payment of the Tax, Including Quarterly Monthly Payments in Certain Instances
 130.540 Returns on a Transaction by Transaction Basis
 130.545 Registrants Must File a Return for Every Return Period
 130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
 130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
 130.555 Vending Machine Information Returns
 130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section
 130.601 Preliminary Comments
 130.605 Sales of Property Originating in Illinois
 130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section
 130.701 General Information on Obtaining a Certificate of Registration
 130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
 130.710 Procedure When Security Must be Forfeited
 130.715 Sub-Certificates of Registration

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130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
 130.725 Display
 130.730 Replacement of Certificate
 130.735 Certificate Not Transferable
 130.740 Certificate Required For Mobile Vending Units
 130.745 Revocation of Certificate

Section
 130.801 General Requirements
 130.805 What Records Constitute Minimum Requirement
 130.810 Records Required to Support Deductions
 130.815 Preservation and Retention of Records
 130.820 Preservation of Books During Pendency of Assessment Proceedings
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section
 130.901 Civil Penalties
 130.905 Interest
 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section
 130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section
 130.1101 Definition of Federal Area
 130.1105 When Deliveries on Federal Areas Are Taxable
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
 130.1201 General Information
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section

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- 130.1301 When Lessee of Premises Must File Return for Leased Department
 130.1305 When Lessor of Premises Should File Return for Leased Department
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation
- SUBPART N: SALES FOR RESALE
- Section
 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
 130.1410 Requirements for Certificates of Resale (Repealed)
 130.1415 Resale Number--When Required and How Obtained
 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

- Section
 130.1501 Claims for Credit--Limitations--Procedure
 130.1505 Disposition of Credit Memoranda by Holders Thereof
 130.1510 Refunds
 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

- Section
 130.1601 When Returns are Required After a Business is Discontinued
 130.1605 When Returns Are Not Required After Discontinuation of a Business
 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

- Section
 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

- Section
 130.1801 When Powers of Attorney May be Given
 130.1805 Filing of Power of Attorney With Department
 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

- Section
 130.1901 Addition Agents to Plating Baths
 130.1905 Agricultural Producers

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- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
 130.1915 Auctioneers and Agents
 130.1920 Barbers and Beauty Shop Operators
 130.1925 Blacksmiths
 130.1930 Chiroprodists, Osteopaths and Chiropractors
 130.1935 Computer Software
 130.1940 Construction Contractors and Real Estate Developers
 130.1945 Co-operative Associations
 130.1950 Dentists
 130.1951 Enterprise Zones
 130.1955 Farm Chemicals
 130.1960 Finance Companies and Other Lending Agencies - Installment Contracts - Repossessions
 130.1965 Florists and Nurserymen
 130.1970 Hatcheries
 130.1975 Operators of Games of Chance and Their Suppliers
 130.1980 Optometrists and Opticians
 130.1985 Pawnbrokers
 130.1990 Peddlers, Hawkers and Itinerant Vendors
 130.1995 Personalizing Tangible Personal Property
 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
 130.2006 Sales by Teacher-Sponsored Student Organizations
 130.2007 Exemption Identification Numbers
 130.2008 Sales by Nonprofit Service Enterprises
 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
 130.2020 Physicians and Surgeons
 130.2025 Picture-Framers
 130.2030 Public Amusement Places
 130.2035 Registered Pharmacists and Druggists
 130.2040 Retailers of Clothing
 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
 130.2050 Sales and Gifts By Employers to Employees
 130.2055 Sales by Governmental Bodies
 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
 130.2065 Sales of Automobiles for Use in Demonstration
 130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products
 130.2075 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
 130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel

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130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions

130.2090 Sales to Railroad Companies

130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles

130.2100 Sellers of Feeds and Breeding Livestock

130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers

130.2110 Sellers of Seeds and Fertilizer

130.2115 Sellers of Machinery, Tools and the Like

130.2120 Suppliers of Persons Engaged in Service Occupations and Professions

130.2125 Trading Stamps and Discount Coupons

130.2130 Undertakers and Funeral Directors

130.2135 Vending Machines

130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order

130.2145 Vendors of Meals

130.2150 Vendors of Memorial Stones and Monuments

130.2155 Vendors of Signs

130.2156 Vendors of Steam

130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.

130.2165 Veterinarians

130.2170 Warehousemen

ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11

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Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. _____, effective _____.

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section 130.331 Manufacturer's Purchase Credit

- a) Earning Manufacturer's Purchase Credit
- 1) Effective January 1, 1995, a manufacturer may earn a credit when purchasing exempt machinery and equipment. The credit is known as the Manufacturer's Purchase Credit or MPC. The amount of credit is limited to a percentage of the 6.25% State rate of tax on which the manufacturer claimed the manufacturing machinery and equipment exemption. (See Section 130.330 of this Part.)
 - 2) The percentage of credit earned based upon exempt purchases increases over time as follows:
 - A) 15% for purchases made on or before June 30, 1995.
 - B) 25% for purchases made after June 30, 1995, and on or before June 30, 1996.
 - C) 40% for purchases made after June 30, 1996, and on or before June 30, 1997.
 - D) 50% for purchases made on or after July 1, 1997.
- (Section 3-85 of the Retailers' Occupation Tax Act)
- 3) The credit is earned at the time qualifying manufacturing machinery and equipment is purchased. A qualifying purchase is complete as of the date of invoice. (See Section 130.101 of this Part).
- 4) No credit is earned for exempt purchases under the expanded

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Enterprise Zone exemption. (See subsection (b) of Section 130.1955 of this Part.)

b) Using Manufacturer's Purchase Credit

1) The credit may be used to satisfy Use Tax or Service Use Tax liability incurred on the purchase of qualifying production related tangible personal property. (See Section 3-85 of the Use Tax Act.) The credit may be applied only to the 6.25% State rate of tax incurred. Credit may be used the same day that it is earned, but must be followed by proper reporting of the credit as set out in subsection (c) below.

2) The credit is non-transferable and may not be used to satisfy the tax liability of any taxpayer other than the manufacturer that earned the credit.

A) Credit may not be transferred to a construction contractor or other agent of the manufacturer.

B) A credit assigned to a particular Illinois Business Tax number, may not be transferred to a related but separately registered division or company.

3) Production related tangible personal property means all tangible personal property used or consumed by the purchaser in a manufacturing facility in which a manufacturing process described in Section 2-45 of the Retailers' Occupation Tax Act takes place, and all tangible personal property used or consumed by a manufacturer in research and development regardless of use within or without a manufacturing facility. (See Section 3-85 of the Use Tax Act.)

4) By way of illustration and not limitation, the following uses of tangible personal property by a manufacturer in a manufacturing facility will be considered production related:

A) Tangible personal property purchased by a manufacturer for incorporation into real estate within a manufacturing facility.

B) Supplies and consumables used in a manufacturing facility, including fuels, coolants, solvents, oils, lubricants, cleaners and adhesives.

C) Hand tools, protective apparel, and fire and safety equipment used or consumed in a manufacturing facility.

D) Tangible personal property used or consumed for purposes of preproduction and postproduction material handling, receiving, quality control, inventory control, storage, staging and packing for shipping or transportation.

5) By way of illustration and not limitation, the following uses of property will not be considered production related:

A) The use of trucks, trailers, and motor vehicles which are required to be titled or registered pursuant to the

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Illinois Motor Vehicle Code, 625 ILCS 5/Ch. 1, and aircraft required to be registered with an agency of state or federal government.

B) Office supplies, computers, desks, copiers and equipment which are used for sales, purchasing, accounting, fiscal management, marketing and personnel recruitment or selection activities, even if such use takes place within a manufacturing facility.

C) Tangible personal property used or consumed for aesthetic or decorative purposes, including landscaping and artwork.

D) Tangible personal property used or consumed outside the manufacturing facility, including tangible personal property listed in subsection (b)(4)(D) above with the exception of tangible personal property used or consumed for research and development purposes.

E) Tangible personal property purchased by a construction contractor for incorporation into a manufacturing facility.

6) The credit may be used to satisfy a tax liability arising under audit where the liability established is the result of an erroneous claim of the Manufacturing Machinery and Equipment exemption provided in Section 2-45 of the Retailers' Occupation Tax Act, or where the manufacturer failed to self-assess and remit Use Tax or Service Use Tax on the purchase of production related tangible personal property that was purchased from an out-of-state unregistered supplier. (See Section 3-85 of the Use Tax Act.) Under no circumstances may the credit be used to satisfy penalty and interest or other tax liability incurred by the manufacturer.

7) Credit may be used to satisfy qualifying Use Tax or Service Use Tax liabilities incurred by a manufacturer where payment of tax must be made directly to the Department.

8) The credit expires two years from December 31st of the calendar year in which the credit was earned. (See Section 3-85 of the Use Tax Act.)

c) Reporting Manufacturer's Purchase Credit Earned or Used

1) In order to validate credit earned as the result of a qualifying purchase of exempt manufacturing machinery and equipment or credit used on a qualifying purchase, the manufacturer must report credit earned to the Department of Revenue in a timely manner. Failure to report credit earned will result in expiration of the credit as of the date earned.

2) On forms prescribed or approved by the Department, a manufacturer must report credit earned or used by the last day of the second month following the month of creation or use of the credit. No credit report is required for any month in which a

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manufacturer neither earned nor used credit.

- 3) Credit Use or Misuse Causing Expiration of Credit. Credit used, whether properly or improperly, expires upon use and cannot be recreated once used. The manufacturer may be liable for tax, penalty and interest on the purchase of production-related tangible personal property where expired credit was used, in accordance with provisions of the Uniform Penalty and Interest Act, 35 ILCS 735. The following represent examples of uses of credit that will result in expiration of the credit:
- A) Failure to report credit or use of credit.
 - B) Failure to timely report credit or use of credit.
 - C) Use of credit prior to actually earning credit as described in subsection (a)(3) above.
 - D) Return of goods to supplier for full refund including tax where credit was tendered in payment of tax. Credit expires once used and cannot be recreated once used regardless of reason for return.
- 4) Original invoices or copies of original invoices need not be filed with the Department of Revenue in order to validate credit earned. However, the manufacturer's books and records should contain information sufficient to substantiate and document purchases of:
- A) Qualifying manufacturing machinery and equipment which allows the manufacturer to earn the credit; and
 - B) Production related tangible personal property on which tax liability has been satisfied by use of the credit.
- 5) As determined pursuant to audit by the Department, credit earned by purchase of exempt machinery and equipment that has not been timely and properly reported will result in expiration of the credit. Use of expired credit in this situation may result in an assessment for tax, penalty and interest on the subsequent purchase of production-related tangible personal property. Credit that was properly reported when earned but was not timely and properly reported to the Department when used will likewise expire resulting in an assessment for tax, penalty and interest on the purchase of production related tangible personal property for which it was offered in payment of Use Tax or Service Use Tax liability.
- 6) Credit Earned or Used in Service Transactions
- A) In order to earn credit based on purchases resulting in Service Use Tax liability, the manufacturer must request that the serviceman identify the tax base used by the serviceman as provided in 86 Ill. Adm. Code 140.101. This is necessary for the manufacturer to calculate the proper amount of credit earned based upon the amount of Service Use Tax that would have been due.
 - B) Credit is not earned by a manufacturer where the purchase

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of tangible personal property incident to the sale of service results in a Use Tax liability to the serviceman. Where the serviceman incurs a Use Tax liability based upon his cost price of tangible personal property, the service customer (manufacturer), does not incur any tax liability. Therefore, the service customer (manufacturer) cannot earn credit based upon such transactions.

- C) A manufacturer may use credit to satisfy Service Use Tax liability when purchasing tangible personal property incident to a sale of service, however, the manufacturer must incur a Service Use Tax liability on the transaction. No credit may be used when the serviceman's liability is a Use Tax liability rather than a Service Occupation Tax liability.
- d) Retailers Or Servicemen Accepting Manufacturer's Purchase Credit
 - 1) In order to accept Manufacturer's Purchase Credit from a manufacturer, the supplier or serviceman must obtain a Manufacturer's Purchase Credit certificate from the manufacturer. This certificate must be kept in the supplier's or serviceman's books and records, but need not be submitted to the Department with the supplier's or serviceman's monthly return. A Manufacturer's Purchase Credit certificate must contain the following information:
 - A) A signed statement that the manufacturer is using available credit to satisfy all or part of the 6.25% portion of Use Tax or Service Use Tax liability incurred on a qualifying purchase of production related tangible personal property;
 - B) The manufacturer's name and address;
 - C) The manufacturer's registration number, if registered;
 - D) The date of purchase of production related tangible personal property;
 - E) The amount of the purchase of production related tangible personal property;
 - F) The amount of credit being used; and
 - G) Such other information as the Department deems necessary. (See Section 3-85 of the Use Tax Act.)
 - 2) Manufacturer's Purchase Credit accepted by the supplier or serviceman may be used by the supplier or serviceman to satisfy its own liability incurred under the Retailers Occupation Tax Act or Service Occupation Tax Act, so long as the supplier or serviceman complies with the following:
 - A) The supplier or serviceman may not accept credit in excess of 6.25% of the purchase price of qualifying production related tangible personal property. (See Section 3-85 of the Use Tax Act.)

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B) The supplier or serviceman must properly report acceptance of the credit to the Department of Revenue in order to be entitled to use of the credit in satisfaction of Retailers' Occupation Tax or Service Occupation Tax liability.

e) Lessors Earning and Using Manufacturer's Purchase Credit

1) A lessor leasing exempt manufacturing machinery and equipment to a manufacturer, may earn Manufacturer's Purchase Credit when purchasing such machinery and equipment, in the same manner as a manufacturer.

2) A lessor leasing qualifying production related tangible personal property to a manufacturer, may use Manufacturer's Purchase Credit when purchasing such qualifying property in the same manner as a manufacturer. (See Section 3-85 of the Use Tax Act.)

3) A lessor of exempt machinery and equipment and qualifying production related tangible personal property must report the accumulation and use of credit in the same manner as required for manufacturers.

4) Since the Manufacturer's Purchase Credit is a non-transferable credit, a lessor may not use credit earned by a lessee, nor may a lessor transfer credit it has earned to a lessee.

(Source: Added at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Acquisition, Management and Disposal of Real Property.

2) Code Citation: 44 Ill. Adm. Code 5000

3) Section Number: Adopted Action:
5000.310 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 127, par. 63b13.2 [20 ILCS 405/67.02]

5) Effective Date of Rules: January 9, 1995

6) Does this rulemaking contain an automatic repeal date? No.

7) Do the Rules contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: January 9, 1995

9) Notice of Proposal Published in Illinois Register: April 1, 1994, 18 Ill. Reg. 5057

10) Has JCAR issued a Statement of Objections to the Amendments? No.

11) Differences between proposal and final version: Several minor typographical changes were made. Permission was sought and obtained to use copyrighted information and revisions made to show source and application of such authority.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.

13) Will the Rules replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rules: The rules for area measurement will provide a standard equivalent to the American National Standard method for measuring floor space in office buildings. Amending area measurement rules for equivalency with the American National Standard will facilitate leasing property in accordance with comparable standards of the private sector.

16) Information and questions regarding this adopted rule shall be directed

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669
TDD (217)785-3979

The full text of the Adopted Rules begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT

SUBTITLE D: PROPERTY MANAGEMENT

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5000

ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL PROPERTY

SUBPART A: GENERAL

Section
5000.100 Authority
5000.110 Policy
5000.120 Applicability

SUBPART B: LEASED SPACE ACQUISITION POLICY

Section
5000.200 General Policy and Responsibility
5000.210 Requests for Space/Agency Responsibilities
5000.220 Acquisition Authority
5000.230 Acquisition Procedures
5000.240 Lease Administration
5000.250 Emergency Lease Procurement

SUBPART C: BUILDING STANDARDS

Section
5000.300 Scope
5000.310 Area Measurement
5000.320 Space Planning Assistance
5000.330 Open Space
5000.340 Space Allowance and Standards
5000.350 Office Furnishing
5000.360 Handicapped Accessibility
5000.370 Vending Facilities/Blind Operators
5000.380 Improvements

SUBPART D: ASSIGNMENT AND MANAGEMENT OF SPACE

Section
5000.400 Assignment and Management by DCMS
5000.410 Assignment by Agencies
5000.420 Reviews and Appeal of Space Assignment Actions
5000.430 Services Provided
5000.440 Alterations
5000.450 Local Requirements

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SUBPART E: UTILIZATION OF SPACE
(STATE-OWNED AND LEASED PROPERTIES)

Section
5000.500 Space Inspections and Surveys
5000.510 Responsibility of Agencies
5000.520 Release of Space Not Fully Utilized
5000.530 Notice to DCMS of Relinquishment or Termination of Space

SUBPART F: EXCESS REAL PROPERTY

Section
5000.600 Excess Real Property Defined
5000.610 Reports of Excess Real Property
5000.620 Utilization of Excess Real Property
5000.630 Charges for Use of Excess Property
5000.640 Temporary Occupancy
5000.650 Disputes
5000.660 Non-State Use

SUBPART G: SURPLUS REAL PROPERTY

Section
5000.700 Surplus Real Property Defined
5000.710 Declaration of Surplus
5000.720 Reporting Surplus Real Property
5000.730 Notice of Availability to State Agencies
5000.740 State Agency Requests for Surplus Real Property
5000.750 Transfer Decisions
5000.760 Transfer Procedures
5000.770 Transfer to Department of Central Management Services
5000.780 Subsequent Disposal
5000.790 Sale of Surplus
5000.800 Notice of Sale to Local Governments
5000.810 Local Government Offer to Purchase
5000.820 Public Sale
5000.830 Public Sale Procedures
5000.840 Non-State Interim Use

SUBPART H: USE OF OFFICE BUILDING

Section
5000.900 Applicability
5000.910 Definitions
5000.920 Business Hours and Public Access
5000.930 Prohibited Activities
5000.940 Demonstrations
5000.950 Exhibits and Special Events

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5000.960 Distribution of Leaflets and Solicitations of Funds, Voter Registration and Signatures
5000.970 Severability

APPENDIX A Space Standards
APPENDIX B Rental Fees

AUTHORITY: Implementing Section 7.1 of the State Property Control Act (Ill. Rev. Stat. 1991, ch. 127, par. 133b10.1) [30 ILCS 605/7.1], implementing and authorized by Sections 51, 67.02, 67.06, 67.07, 67.10-67.14, 67.22 and 67.24 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 51, 63b13.2, 63b13.6, 63b13.7, 63b13.10 - 63b13.14, 63b13.22 and 63b13.24) [20 ILCS 5/51, 20 ILCS 405/67.02, 67.06, 67.07, 67.10-67.14, 67.22 and 67.24] and authorized by Section 6 of the State Property Control Act (Ill. Rev. Stat. 1991, ch. 127, par. 133b9) [30 ILCS 605/6].

SOURCE: Adopted at 6 Ill. Reg. 12984, effective October 13, 1982; emergency amendment at 7 Ill. Reg. 3743, effective March 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 7825, effective June 22, 1983; emergency amendment at 8 Ill. Reg. 13444, effective July 17, 1984 for a maximum of 150 days; codified at 8 Ill. Reg. 19345; amended at 10 Ill. Reg. 636, effective December 31, 1985; amended at 17 Ill. Reg. 1006, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 2361, effective February 5, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10753, effective July 1, 1993; amended at 18 Ill. Reg. 1886, effective January 21, 1994; amended at 19 Ill. Reg. 1886, effective JAN 09 1995.

SUBPART C: BUILDING STANDARDS

Section 5000.310 Area Measurement

- a) Area measurement for the purpose of calculating rentable areas will be based on the following standards in situations where the State is a single tenant:
- 1) Where the State is the only tenant on a single floor of a multi-story building, the rentable area shall include the entire area within the exterior walls (measured to the inside of the finished wall surface); less stairways, elevator shafts, pipe chases, vertical air ducts and the enclosing walls of all such excluded areas; restrooms, corridors and utility rooms serving that floor exclusively will be included as part of the rentable area.
 - 2) Where the State is the only tenant in a one-story building, those areas excluded in (1) above will be included as part of the rentable area if appropriate.
 - 3) Where the State is the only tenant in a multi-story building, those areas excluded in (1) will be included as part of the rentable area.

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b) Area measurements for the purpose of calculating rentable area will be based on the following standards in situations where the State is a multiple tenant:

1) Where there are other tenants on the same floor in a multiple-story building or on the same floor in a one-story building, the rentable area shall include a percentage of areas used in common with the tenants proportionate to the respective share of the total net useable space; these areas include public corridors, restrooms, and all common service and utility areas. Stairways, elevator shafts, vertical pipe chases, and air ducts shall be excluded from the total area of useable space.

2) The rentable area in such cases shall be calculated by measuring from the interior finish surface of exterior walls to the office side of any corridor, wall, or other permanent wall and to the center of walls or partitions separating the demised space from other adjacent rentable areas. No deduction shall be made for the area occupied by columns or projections necessary to the building structure.

c) Boiler rooms and machine rooms for heating and air conditioning equipment shall be excluded from rentable areas regardless of location:

a) Area measurement for the purpose of calculating rentable area will be based on the following standards where the State is the exclusive tenant. (Also refer to subsection (d) below.) [Derived from "Standard Method for Measuring Floor Area in Office Buildings", Building Owners and Managers Association International, 1201 New York Avenue, N.W., #300, Washington, D.C. 20005, Copyright 1983, no subsequent dates or editions, Building Owners and Managers Association (BOMA) International. Reproduced with permission of BOMA International. To order, call 1-800-426-6292.]

1) Where the State is the exclusive tenant on a single floor of a multi-story building, the rentable area shall include the entire area within the exterior walls measured to the inside finished surface of the dominant portion of the permanent outer building walls excluding any major vertical penetrations of the floor and walls enclosing those penetrations (e.g., elevators, shafts, duct chases, pipe chases and stairways). Public corridors, restrooms, janitor closets, utility closets and machine rooms serving the single floor exclusively shall be included as rentable area.

2) Where the State is the exclusive tenant in a one-story building those areas excluded in (a)(1) above, will be included in the rentable area.

3) Where the State is the only tenant in a multi-story building, those areas excluded in (a)(1) will be included in the rentable area.

b) Area measurements for the purpose of calculating rentable area will be based on the following standards where the State is not an exclusive

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tenant. (Also refer to subsection (d) below.) [Derived from "Standard Method for Measuring Floor Area in Office Buildings", Copyright 1983, Building Owners and Managers Association (BOMA) International. Reproduced with permission of BOMA International. To order, call 1-800-426-6292.]

1) Where there are multiple tenants on the same floor in a multiple-story building, or on the same floor in a one-story building, the rentable area shall be calculated by measuring from the inside finished surface of the dominant portion of the permanent outer building walls to the office side of any corridor wall or other permanent wall and to the center of demising walls separating rentable areas.

2) Where there are multiple tenants on the same floor in a multiple-story building, or on the same floor in a one-story building, the rentable area shall include the percentage of floor common area equal to the percentage of useable area on that floor occupied by the State tenant. Floor common area includes public corridors, restrooms, janitor closets, utility closets, and machine rooms used in common with other tenants. Floor common area does not include elevator shafts, duct chases, pipe chases and stairways.

3) Where the State is one of multiple tenants in a multi-story building, the rentable area may not include public areas of the main lobby floor and areas such as atriums, health clubs, conference centers, tenant lounges, vending areas or other common building amenities for the beneficial use of all building tenants.

c) Area measurements for the purpose of calculating rentable area will be based on the following standards where the State leases space in a ground floor store area. (Also refer to subsection (d) below.) [Derived from "Standard Method for Measuring Floor Area in Office Buildings", Copyright 1983, Building Owners and Managers Association (BOMA) International. Reproduced with permission of BOMA International. To order, call 1-800-426-6292.]

1) Where the State is the exclusive tenant, subsection (a) above is applicable, except for street frontages where measurements shall be taken from the building line instead of the inside finished surface of the dominant portion of the permanent outer building walls.

2) Where the State is not an exclusive tenant, subsection (b) above is applicable, except for street frontages where measurements shall be taken from the building line instead of the inside finished surface of the dominant portion of the permanent outer building walls.

3) No deductions shall be made for vestibules inside the building line or for columns or projections necessary to the building.

4) No additions shall be made for bay windows extending outside the building line.

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d) Area measurements for the purpose of calculating rentable area will be based on the following standards where the State is the exclusive tenant and where the State is not an exclusive tenant. [Derived from "Standard Method for Measuring Floor Area in Office Buildings", Copyright 1983, Building Owners and Managers Association (BOMA) International. Reproduced with permission of BOMA International. To order, call 1-800-426-6292.]

- 1) The inside finished surface of the dominant portion of the permanent outer building wall may be a glass surface, interior wall or other surface.
- 2) No deductions shall be made to the rentable area for elements necessary to maintain the building's structural integrity (e.g., columns, bracing, etc.).
- 3) Central boiler rooms and mechanical, electrical or communications equipment rooms serving more than one floor and more than one tenant shall be excluded from rentable areas. Mechanical penthouses, mechanical, electrical or communications equipment rooms located on floors containing no tenant space are excluded from rentable area.
- 4) Exterior area such as balconies, terraces, open courtyards, open air walkways, exitways or corridors and enclosed skywalk systems are not included as rentable areas.
- 5) Parking spaces are not included in rentable area.
- 6) Basement storage areas are not included in rentable area, unless the basement also includes occupiable tenant space.

e) Area measurement for the purpose of calculating construction area will be based on the following standards. [Derived from "Standard Method for Measuring Floor Area in Office Buildings", Copyright 1983, Building Owners and Managers Association (BOMA) International. Reproduced with permission of BOMA International. To order, call 1-800-426-6292.]

- 1) Where the State occupies a building not constructed for the exclusive use of the State, the construction area shall equal the rentable area for initial tenant build-out work and all tenant improvement work.
- 2) Where buildings are constructed for the exclusive use of the State, the construction area shall include the entire area within the exterior walls measured to the outside finished surface of the permanent outer building walls. The construction area of the building shall be the sum of the construction areas of all enclosed floors including basements, mechanical equipment floors and penthouses.
- f) The standards for area measurement are based upon the American National Standard ANSI Z65.1 - 1980, "Standard Method for Measuring Floor Area in Office Buildings", Copyright 1983, Building Owners and Managers Association (BOMA) International. Reproduced with permission of BOMA International. To order, call 1-800-426-6292. The State shall have the exclusive right to interpret the standards herein.

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g) Changes to area measurement standards herein will not result in increased monthly rental payments prior to the expiration of the current term of the lease following the adoption of these rules.

(Source: Amended at 19 Ill. Reg. 585, effective JAN 09 1995)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species and Natural Areas
- 2) Code Citation: 17 Ill. Adm. Code 1075

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1075.10	Amendments
1075.20	Amendments
1075.30	Amendments
1075.40	Amendments
1075.50	Amendments
1075.60	Amendments
1075.80	Amendments

- 4) Statutory Authority: Implementing and authorized by Section 11(b) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, par. 341) [520 ILCS 10/11] and Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17].

- 5) Effective Date of Rulemaking: January 9, **1995**

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: January 5, **1995**

- 9) Notice of Proposal Published in Illinois Register:
September 23, **1993** Ill. Reg. 14259

- 10) Has JC&R issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version:

Statutory references to "Ill. Rev. Stat." were updated to read "1991".

In Section 1075.20, "Conservation," the statutory citation was changed to read "[520 ILCS 10]".

In Section 1075.20, "Natural Area," the statutory citation was changed to read "[525 ILCS 30]".

In Section 1075.20, "Agency Action" was placed in proper alphabetical order.

In Section 1075.30(c)(5), the period at the end of the paragraph was replaced with a semi-colon.

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In Section 1075.60, the subsections were relabeled. The text previously labeled 1075.60(a) is an introductory paragraph and should not be labeled. The text was moved to the left margin and the subsequent subsections were relabeled accordingly.

- 12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking:

Effective January 1, 1994, the Natural Areas Preservation Act was amended to require consultation on State and local agency actions to determine the effects of those actions on natural areas. This Part was amended to include natural areas in the consultation process already established for endangered and threatened species.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Jack Price
Address: Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787

Telephone: 217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CONSERVATION

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER c: ENDANGERED SPECIES

PART 1075

CONSULTATION PROCEDURES FOR ASSESSING IMPACTS
OF AGENCY ACTIONS ON ENDANGERED AND THREATENED SPECIES
AND NATURAL AREAS

Section	Purpose
1075.10	Definitions
1075.20	Actions Reviewed and Exempted
1075.30	Consultation Process
1075.40	Special Circumstances
1075.50	Emergencies
1075.60	Public Involvement
1075.70	Alternative Action Guidelines
1075.80	

AUTHORITY: Implementing and authorized by Section 11(b) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, par. 341) [520 ILCS 10/11] and Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17].

SOURCE: Adopted at 14 Ill. Reg. 19839, effective December 3, 1990; amended at 19 Ill. Reg. 594, effective JAN 09 1995.

Section 1075.10 Purpose

The purpose of this Part is:

- a) To establish a consultation process between the Department and agencies of State and local governments of Illinois concerning impacts on State endangered and threatened species and Natural Areas by actions authorized, funded, or carried out by those agencies which are authorized by Section 11(b) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989 1991, ch. 8, par. 341) [520 ILCS 10/11] and Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17].
- b) To provide a consultation procedure designed to assist agencies of State and local governments in the evaluation of proposed actions for the purpose of addressing the adverse impacts to endangered or threatened flora or fauna as listed by the Illinois Endangered Species Protection Board, or to the essential habitat of such species or to Natural Areas.
- c) To promote the conservation of threatened and endangered species and Natural Areas by establishing the following policy: the avoidance of adverse impacts is a priority of action; when avoidance is not practicable, adverse impacts should be minimized; and when practicable

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alternatives do not exist and an adverse impact is likely to occur, compensation shall be requested.

d) This Part provides details for the following:

- 1) actions requiring review and those exempted;
- 2) filing of the Agency Action Report ~~of Action~~;
- 3) filing of the Detailed Action Report;
- 4) preparation of the biological opinion;
- 5) emergencies;
- 6) public involvement opportunities; and
- 7) alternative action guidelines.

(Source: Amended at 19 Ill. Reg. 594, effective JAN 09 1995.)

Section 1075.20 Definitions

The following terms will be used throughout this Part:

"Action" - construction, land management, or other activities that are authorized, funded, or performed in whole or in part by agencies of State and local governments and that will result in a change to the existing environmental conditions ~~that are authorized, funded, or performed in whole or in part by agencies of State and local governments, and that~~ or may affect listed endangered or threatened species or their essential habitat or Natural Areas.

"Adverse Impact" - a direct or indirect alteration of the physical or biological features of the air, land or water which may affect the survival, reproduction or recovery of a listed species or that may diminish the viability of a Natural Area.

"Agency" - includes all agencies, boards and commissions which are under the jurisdiction of State or local governments.

"Agency Action Report ~~of Action~~" - a report submitted to the Department by agencies proposing an action(s) requiring consultation. The information required to be submitted shall be sufficient to determine the presence or absence of a threatened or endangered species or Natural Area in the vicinity of the proposed action.

"Biological Opinion" - the component of the Detailed Action Report prepared by the Department, when a valid record of an occurrence for a threatened or endangered species or Natural Area exists within the vicinity of a proposed action. This opinion will conclude whether the action will jeopardize the listed species present ~~or~~ destroy or adversely modify their essential habitat or adversely modify a Natural Area.

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"Conservation" - utilization of all methods and procedures which are necessary to bring any endangered or threatened species to the point at which the protection provided by the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989 1991, ch. 8, par. 331 et seq.) [520 ILCS 10] are no longer necessary. These methods and procedures include, but are not limited to, all activities associated with scientific resources management, such as research, census, habitat acquisition, habitat management restoration, and maintenance and propagation.

"Cumulative Effects" - direct and indirect effects of a proposed action(s) together with the identifiable effects of actions that are interrelated or interdependent with the action. Indirect effects are those that are caused by the action but are later in time or farther in distance. Interrelated actions are those that are a part of a larger action. Interdependent actions are those that have independent utility apart from the action.

"Department" - means the Department of Conservation.

"Detailed Action Report" - a written report that is prepared by an agency when a threatened or endangered species or Natural Area has been identified within the vicinity of a proposed action. This report shall contain sufficient information to make a judgement regarding the potential adverse impacts to a listed species or its essential habitat or a Natural Area.

"Essential Habitat" - is the physical and biological environment that is required to maintain viable populations of a listed species in order to ensure the survival and recovery of that species.

"Jeopardize" - to engage in an action which would reduce the likelihood of the survival or recovery of a listed species or would result in the destruction or adverse modification of the essential habitat of such a species or which would result in the destruction or adverse modification of a Natural Area.

"Listed Species" - is any species of plant or animal which has been listed as endangered or threatened by the Illinois Endangered Species Protection Board or the U.S. Fish and Wildlife Service.

"Natural Area" - is any area of land in public or private ownership which is registered under the Illinois Natural Areas Preservation Act [525 ILCS 30] or is identified in the Illinois Natural Areas Inventory.

"Vicinity" - the area surrounding the action, as determined by the life history requirements of the species of concern or proximity to a

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Natural Area.

(Source: Amended at 19 Ill. Reg. 594, effective JAN 09 1995)

Section 1075.30 Actions Reviewed and Exempted

- a) Actions Requiring Review for Consultation - Any construction, land management or other activity authorized, funded or performed by a State agency or local unit of government that will result in a change to the existing environmental conditions and/or may have a cumulative, direct or indirect adverse impact on a listed species or its essential habitat or that otherwise jeopardizes the survival of that species and/or may have a cumulative, direct or indirect adverse impact on a Natural Area shall be evaluated through the consultation process. This includes but is not limited to the following:

- 1) the alteration, removal, excavation or plowing of non-farmed, non-cultivated areas, or dredging of soil, sand, gravel, minerals, organic matter, vegetation, or naturally occurring materials of any kind;
- 2) the changing of existing drainage characteristics or sedimentation patterns;
- 3) the grading or removal of materials that would alter existing topography;
- 4) the creation of new, or the increase in existing permanent barriers to the movement of wildlife, such as dam construction;
- 5) a discharge of pollutants into the air, water, or on the land;
- 6) the application of chemicals to the air, water, or on the land;
- 7) preliminary plats, plans and permits; and
- 8) an application for rezoning from a non-urban classification to an urban classification (e.g. from agricultural to residential) or a change from one urban classification to another on land not used in its entirety for the original classification.

- b) Actions Not Requiring Review - Actions authorized, funded or performed by State agencies or local units of government not having an adverse impact to a listed species or its essential habitat resulting in a land-disturbing activity or not directly or indirectly affecting an endangered or threatened species or a Natural Area are not required to be evaluated by the consultation process. Such actions shall involve activities not listed in Section 1075.30(a) (e.g. acquisition of equipment or rehabilitation of an existing structure).

- c) Actions Exempted - The following actions are exempt from the consultation process unless it is evident that there will be an adverse impact to a listed species or its essential habitat or to a Natural Area:

- 1) mowing within maintained highway rights-of-way;
- 2) routine resurfacing and application of oil and gravel to existing roads and highways that do not require widening of the road or

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- shoulder;
- 3) construction activities required for the maintenance or repair of existing structures;
 - 4) actions in those areas with a Department-approved management plan, where the proposed actions are consistent with the plan and are undertaken to maintain or improve natural ecosystem conditions or to re-establish pre-settlement vegetation conditions. This includes such actions as prescribed burns, spot application of herbicides, brush clearing and other appropriate natural resource management activities. Where a listed species is known to be present, management for its survival and recovery shall be a priority;
 - 5) actions within highway rights-of-way, unless specifically notified by the Department, that adjoin land used for agricultural or urban purposes, except those portions of the right-of-way adjacent to borrow pits, railroads, streams, wetlands, lakes, or other natural areas and open space;
 - 6) maintenance of existing lawns, yards and ornamental plantings;
 - 7) annual, routine cultivation of existing agricultural lands; and
 - 8) change of zoning requests for land currently zoned, developed, and used in its entirety for commercial, industrial or residential purposes.
- d) Memorandums of Understanding - the Department may enter into an agreement with an agency, referred to as a Memorandum of Understanding (MOU) which allows the development of an expedited review process, the review of comprehensive plans and natural resource ordinances, or exempts from the consultation process those actions commonly performed by that agency and that have no adverse impact to a listed species or its essential habitat or a Natural Area.
- 1) The Memorandum of Understanding shall expire in 1 to 3 years, based on the type of activity or the frequency with which it is performed. At the time of renewal, the agency shall submit a report evaluating the following:
 - A) whether the actions exempted avoided, minimized or created an adverse impact to a listed species and its essential habitat or a Natural Area; and
 - B) if the technology of the exempted action has changed to such an extent that the action should no longer be exempted.
 - 2) The Memorandum of Understanding shall be available for review from the Department upon request.
- e) If more than two years elapses between the review and approval of the proposed action and implementation, the Department shall have an opportunity to review the Agency Action Report ~~of Action~~ again to determine whether a listed species or Natural Area is present.
- f) Compliance with this Part does not relieve the agency from applicable state or federal laws or regulations.

(Source: Amended at 19 Ill. Reg. 594, effective

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Section 1075.40 Consultation Process

As authorized by Section 11(a) of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989 1991, ch. 8, par. 341) [520 ILCS 10/11] and by Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17], state and local units of government shall evaluate, through a consultation process with the Department, whether actions authorized, funded, or carried out by them, as defined in Section 1075.30, are likely to jeopardize the continued existence or recovery of Illinois listed endangered or threatened species or are likely to result in the destruction or adverse modification of the essential habitat of such species or are likely to result in the adverse modification of a Natural Area. The proposed action shall not commence until the completion of the consultation process. This consultation process shall consist of the following:

- a) After identifying a specific action included in Section 1075.30, an agency shall complete and submit the Agency Action Report ~~of Action~~ to the Department. This shall be submitted as early in the planning process as may be practicable and prior to approval of preliminary plat, design, permit, plan, or project approval. The purpose of this report is to identify the specific location of the project in order to determine if a listed species or Natural Area is located within the vicinity of the proposed action. The Agency Action Report ~~of Action~~ shall include but not be limited to the following:
 - 1) name and address of agency proposing the action;
 - 2) the responsible person within that agency;
 - 3) the precise location of the proposed action in sufficient detail to determine the presence or absence of a listed species or Natural Area;
 - 4) a brief description of the proposed action; and
 - 5) the starting and ending dates of the proposed action.
- b) The Department shall review the Agency Action Report ~~of Action~~ and determine whether a valid record of occurrence for a listed species or a Natural Area exists within the vicinity of the proposed action. The agency shall receive one of two responses from the Department within 30 calendar days of receipt of the Agency Action Report ~~of Action~~:
 - 1) If no listed species or their essential habitat or Natural Areas have been identified in the vicinity of the proposed action, a letter will be sent indicating that further consultation is not necessary.
 - 2) If a listed species or a Natural Area is identified within the vicinity of the project, the agency will be sent a letter explaining the continuation of the consultation process and a Detailed Action Report.
- c) The agency shall complete the Detailed Action Report, and submit it to the Department. Sufficient information must be provided about the proposed action to determine the potential indirect, direct and

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cumulative adverse impacts to the listed species present or its essential habitat or to the Natural Area. The Detailed Action Report shall include, but is not limited to the following components:

- 1) name and address of agency proposing the action;
 - 2) responsible person within the agency;
 - 3) a detailed map indicating the precise location of the proposed action;
 - 4) a detailed description of the proposed action, including any direct or indirect alteration or destruction of the vegetation, changes anticipated to air or water quality, alteration of the topography, or any other detail that might jeopardize the listed species or its essential habitat or cause adverse modification of the Natural Area;
 - 5) starting and ending dates of the proposed project; and
 - 6) discussion of alternatives which were considered.
- d) Upon completing the portion of the Detailed Action Report involving the proposed project, the agency shall provide background information on the listed species or Natural Area present. The direct and indirect effects of the proposed action on the listed species and its essential habitat or on the Natural Area including cumulative effects shall be analyzed by the agency. The Department shall assist units of local government, upon request, if the unit of local government does not have the expertise to provide the required data and does not have the resources to provide outside experts.
- e) Upon completion, the agency shall submit the Detailed Action Report to the Department for the formulation of a biological opinion as to whether the proposed action, taken with its cumulative effects, will jeopardize the listed species present or have an adverse impact on its essential habitat or cause adverse modification of the Natural Area. The biological opinion shall be completed within 60 calendar days of receipt of a completed Detailed Action Report. The biological opinion shall result in one of the following conclusions:
- 1) the action may promote the conservation of a listed species or its essential habitat or enhance the protection of the Natural Area, in which case the consultation process is terminated;
 - 2) the action is not likely to jeopardize a listed species or its essential habitat or cause adverse modification of the Natural Area, in which case the consultation process is terminated; or
 - 3) the proposed action is likely to jeopardize a listed species or its essential habitat or cause adverse modification of the Natural Area, in which case the consultation process shall continue.
- f) If the biological opinion concludes that the proposed action is likely to have an adverse impact, recommendations to avoid these impacts shall be provided to the agency by the Department.
- g) A meeting shall be scheduled with representatives of the agency and the Department to discuss practicable alternatives to the proposed action that would avoid, minimize, or compensate for the impacts.

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h) After the consultation meetings have taken place to discuss practicable alternatives, the agency shall notify the Department in writing, stating its decision to proceed, modify, or forgo the action, and which, if any, of the alternatives included in the Detailed Action Report it is adopting.

- i) If the Department disagrees with the agency's decision, it shall notify the agency in writing within 10 days.
- j) It is desirable that disagreements which arise over an agency's response or procedural questions be resolved quickly and at the lowest possible level of agency involvement. For most actions, areas of disagreement should be resolved by middle and upper level management of the Department and agency involved. However, where there is failure to reach agreement, it may be necessary to refer the matter to the agency head for resolution.

(Source: Amended at 19 Ill. Reg. 594, effective JAN 09 1995)

Section 1075.50 Special Circumstances

- a) When a particular action involves more than one agency, these agencies may, upon notification to the Department, fulfill their consultation requirements through a single lead agency. Factors relevant in determining appropriate lead agency include the time sequence in which agencies would become involved in the action, the magnitude of their respective involvement, and their relative expertise with respect to the environmental effects of the action.
 - b) In the case of complex actions, where the Department and the agency determine that additional information is needed concerning the listed species or Natural Area and/or the action, the period for the agency to prepare the Detailed Action Report, and the Department to formulate the biological opinion, may be extended by mutual agreement. During this extension, an agency shall make no irreversible or irretrievable commitments of resources that would foreclose implementation of any reasonable and prudent alternative prior to issuance of a biological opinion.
 - c) The consultation process shall be modified for the review of rezoning applications (See Section 1075.30(a)(8)):
- 1) The Agency Action Report of Action shall be submitted for review as required in Section 1075.40(a).
 - 2) If no listed species or Natural Area is known to be present, a letter of notification of the termination of the consultation process shall be sent within thirty days.
 - 3) If a listed species or Natural Area is identified, the information shall be provided for consideration in the decision to grant the request for rezoning. This information shall be made a matter of public record.
 - 4) The consultation process will not proceed until development of

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that parcel is under consideration. At that time, the agency shall submit to the Department a Detailed Action Report and continue the consultation process as defined in Section 1075.40(c) through (j).

- d) The consultation process shall be initiated or a terminated consultation process shall be reopened by the Department or the agency if:

- 1) New information reveals effects of the identified action that may adversely affect a listed species or its essential habitat or a Natural Area in a manner not previously considered; or
- 2) The proposed action is subsequently modified such that it may adversely affect a listed species or its essential habitat or a Natural Area in a manner which was not considered in the consultation process; or
- 3) Additional listed species or their essential habitat or Natural Areas are identified within the vicinity of the action.

(Source: Amended at 19 Ill. Reg. 594, effective JAN 09 1995)

Section 1075.60 Emergencies

a) Two types of emergency conditions may exist that require special treatment:

a) Where emergency circumstances pose an immediate threat to human life, or severe loss of property is imminent from situations involving acts of God, disasters, casualties, or national defense or security emergencies, and action must be taken immediately, the agency can proceed without notifying the Department prior to taking action. The consultation process shall be initiated as soon as practicable after the emergency is under control, but not to exceed 30 calendar days. The agency shall submit a Detailed Action Report, which shall include information on the nature of the emergency actions, the justification for requiring immediate action, and any adverse impacts to a listed species or its essential habitat or a Natural Area that may have resulted. The Department shall evaluate such information and issue a biological opinion, including the information and recommendations given during the emergency consultation.

b) Where emergency circumstances pose a threat to human life or loss of property and the action must commence within 30 days, the agency may request permission to commence the action without undergoing the consultation process prior to the action. The agency shall contact the Department prior to commencing the action and explain the nature of the problem. The Department shall determine whether a listed species or Natural Area is present within the vicinity of the action and notify the agency in writing. One of two courses of action shall then be taken:

1A) if no listed species or their essential habitats or Natural Areas

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are present, the action may commence and the consultation process is terminated; or

2B) if a listed species or its essential habitat or a Natural Area is present within the vicinity of the project, alternatives shall be discussed to avoid or minimize the adverse impacts prior to commencement of the action.

(Source: Amended at 19 Ill. Reg. 594, effective JAN 09 1995)

Section 1075.80 Alternative Action Guidelines

Alternative Action Guidelines - In order to assist state and local agencies in evaluating and selecting alternatives to proposed actions that adversely affect listed species or their habitat or Natural Areas, the Department may prepare Alternative Action Guidelines for alternatives to a range of actions common to these agencies. These Guidelines shall propose practicable alternatives to actions affecting a listed species or Natural Area, while at the same time maintaining the project purpose to the greatest extent possible. These Guidelines shall serve to encourage the consideration of alternatives prior to initiation of the consultation process. They shall be made available upon request to all units of government as they are prepared.

(Source: Amended at 19 Ill. Reg. 594, effective JAN 09 1995)

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- 1) Heading of the Part:

WIC Vendor Management Code

- 2) Code Citation:

77 Ill. Adm. Code 672

- 3) Section Numbers:

Adopted Action:

672.100	Amendment
672.105	Amendment
672.200	Amendment
672.205	Amendment
672.210	Amendment
672.220	Amendment
672.225	Amendment
672.315	Repealer
672.405	Amendment
672.420	Amendment
672.445	Amendment
672.450	Amendment
672.505	Amendment
672.510	Amendment
672.515	Amendment
672.520	Amendment
672.525	Repealed, Repealer
672.600	New Section
672.605	Repealer
672.610	Amendment
672.615	Repealer
672.620	Repealer
672.625	Repealer
672.630	Repealer
672.635	Repealer
672.640	Repealer
672.645	Repealer
672.650	Repealer
672.655	Repealer
672.660	Repealer
672.665	Repealer
672.670	Repealer

- 4) Statutory Authority:

Implementing and authorized by the WIC Vendor Management Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.) [410 ILCS 255].

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- 5) Effective Date of Rules: JAN 09 1995

- 6) Does this Rulemaking Contain an Automatic Repeal Date? YesNo

If "yes," please specify date: _____

- 7) Does this Rulemaking Contain Any Incorporations By Reference? Yes No

- 8) Date Filed in Agency's Principal Office:

- 9) Date Notice(s) of Proposal was Published in Illinois Register:

September 23, 1994 - 18 Ill. Reg. 14308

- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes _____ No _____

If "yes," please complete the following:

- A) Statement of Objection: , Ill. Reg. _____
- B) Agency Response: , Ill. Reg. _____

- ### 11) Difference Between Proposal and Final Version:

Various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 113) Will the Rules Replace an Emergency Rule Currently in Effect?

	Yes	No
1. Do you have a current driver's license?		
2. Do you have a current vehicle registration?		
3. Do you have a current insurance policy?		
4. Do you have a current title?		
5. Do you have a current sales tax certificate?		
6. Do you have a current license plate?		
7. Do you have a current title transfer fee?		
8. Do you have a current title transfer tax?		
9. Do you have a current title transfer fee and tax?		
10. Do you have a current title transfer fee and tax and title transfer fee and tax?		

- 14) Are there any other Amendments Pending on this Part?

Yes	No
-----	----

If yes:

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Section Numbers	Proposed Action	Ill. Reg. Citation
_____	_____	_____

15) Summary and Purpose of Rules:

These amendments reduce and clarify the sanctions and definitions of the levels of violations and clarifies when a breach of contract occurs. The rulemaking also clarifies hearings procedures to make them consistent with the procedures used for other administrative hearings before the Department. A provision of the rules concerning the amount a vendor will be authorized to charge the Department for WIC food items has been simplified from a maximum of 95% of the Department estimated cost for WIC foods to a maximum of 95% of the maximum value of the food instrument or the lowest shelf price for WIC food items, whichever is less. The rulemaking also specifies that the 30 day notice period for changes in the vendor contract does no apply to changes resulting from emergency rulemakings.

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
 CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER 1: MATERNAL AND CHILD HEALTH

PART 672

WIC VENDOR MANAGEMENT CODE

SUBPART A: GENERAL PROVISIONS

Section	Definitions
672.100	Incorporated and Referenced Materials
672.105	Purpose
672.110	Application of These Rules
672.115	

SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

Section	Geographic Distribution and Number of Vendors
672.200	Application Procedures
672.205	Authorization Criteria and Procedures
672.210	WIC Food List and Quantities
672.215	Criteria for Denial of Authorization
672.220	Denial of Authorization
672.225	

SUBPART C: WIC VENDOR EDUCATION

Section	Initial WIC Retail Training by the Department
672.300	Initial WIC Retail Training by a Vendor
672.305	Annual WIC Retail Training Program
672.310	Compliance Training Workshop (Repealed)
672.315	

SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section	Authorization
672.400	WIC Vendor Contract Requirement
672.405	Expiration of WIC Vendor Authorization and Contract
672.410	Food Instrument Processing
672.415	Specifications for Rejection of Food Instruments
672.420	WIC Retail Vendor Responsibilities
672.425	Payment Obligation
672.430	Conflict of Interest
672.435	Unlawful Discrimination
672.440	Amendments Resulting From a Change in Statute or Regulation
672.445	Assignment or Transfer
672.450	Civil Law Suits
672.455	

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672.460 Voluntary Withdrawal from the WIC Vendor Contract
672.465 Notices

SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section
672.500 Compliance Monitoring Inspections
672.505 Violations
672.510 WIC Vendor Sanctions
672.515 Criteria for Termination or Suspension of Authorization, Prohibition,
and/or Fine Assessment
672.520 Breach of Contract ~~Suspension--of--Authorization--Termination--of~~
~~Authorization--Prohibition--and/or Fine Assessment~~
672.525 Notice of Violation (Repealed)

SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC RETAIL VENDOR ADMINISTRATIVE HEARINGS

Section
672.600 Hearings ~~Applicability--(Repealed)~~
672.605 Parties to Hearings (Repealed)
672.610 Appearance and Representation of a Party
672.615 Commencement of an Action (Repealed)
672.620 Motions (Repealed)
672.625 Discovery (Repealed)
672.630 Form of Papers (Repealed)
672.635 Service (Repealed)
672.640 Pre-Hearing Conferences (Repealed)
672.645 Conduct of Hearings (Repealed)
672.650 Subpoenas (Repealed)
672.655 Burden of Proof (Repealed)
672.660 Administrative Law Judge's Report and Final Decision (Repealed)
672.665 Records of Proceedings (Repealed)
672.670 Miscellaneous (Repealed)

APPENDIX A Illinois Regional Map

AUTHORITY: Implementing and authorized by the WIC Vendor Management Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.) [410 ILCS 255]

SOURCE: Adopted at 14 Ill. Reg. 19984, effective December 1, 1990; amended at 16 Ill. Reg. 17734, effective December 15, 1992; amended at 18 Ill. Reg. 2450, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 13125, effective August 12, 1994, for a maximum of 150 days; amended at 19 Ill. Reg.

606, effective JAN 09 1995

SUBPART A: GENERAL PROVISIONS

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Section 672.100 Definitions

"Act" means the WIC Vendor Management Act. (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.) [410 ILCS 255]

"Administrative Law Judge" means any person appointed by the Director to preside at an Administrative Hearing.

"Administrative Warning" means a written notice which describes the nature of a violation to the WIC Program and a request for correction of the violation.

"Applicant" means the individual, partnership, limited partnership, unincorporated association, or corporation applying to be a WIC Retail Vendor.

"Applicant's Composite Food Package Cost" means an amount determined by first multiplying the quantity of each WIC Food item in the Composite Market Basket times the Applicant's lowest shelf price for each item as determined during the Retail Vendor Price Survey. These totals are then added together to determine the cost of all items in the Composite Market Basket. In determining the lowest shelf price for juice, cheese and cereal, the Department will use the average of the lowest shelf prices of the two varieties which the Department has determined are the most frequently received varieties of that WIC Food item. If the Applicant has no supply of one or both of the most frequently received varieties, the Department will use the one or two varieties with the lowest shelf price. In determining the lowest shelf price for infant formula, the Department will use a weighted average of the lowest shelf prices for the WIC approved brands, taking into account the percentage of each brand used by WIC Participants.

"Application" means the application forms and other required materials submitted by a Business Entity to notify the Department that the Business Entity desires to become a WIC Retail Vendor.

"Authorization" means the approval of an Applicant who has met the WIC Vendor criteria and possesses a properly executed, valid WIC Vendor Contract as a WIC Retail Vendor.

"Business Entity" means the retail business which an Applicant or authorized WIC Vendor operates at a particular Vendor Site.

"Composite Market Basket" means those quantities of WIC Food items received by a statistically average WIC Participant over a one month period.

"Contested Case" shall have the meaning ascribed it in Section 1-30 of

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the Illinois Administrative Procedure Act. (Ill. Rev. Stat. 1991, ch. 127, par. 1001-30) [5 ILCS 100/1-30]

"Corporate Officer" means the identity of the officer of a Corporation as set forth in its Articles of Incorporation as filed with the Secretary of State wherein such entity is incorporated.

"CSFP" means the Commodity Supplemental Food Program which is a Federal food assistance program through which the Department or its Representative provide U.S. Government commodities to low-income women, infants and children and eligible elderly.

"Department" means the *Illinois Department of Public Health*. (Section 3(a) of the Act)

"Department Estimated Cost" means estimated prices based on indicators including wholesale prices for WIC foods and the self reported Vendor prices on the Vendor Retail Price Survey, which are averaged and weighted by Store Type and Region.

"Department Representative" or "Representative of the Department" means an employee or authorized agent of the Department.

"Director" means the Director of the Illinois Department of Public Health or designee.

"Expired Food" means a WIC Food item available to WIC Participants on a store shelf which exceeds the stamped date printed on the food item and labeled as one of the following: expiration date, "Sell By" date, "Best If Used By" date, "Best When Purchased By" date, or "Best If Used By" date printed on the item.

"Food Instrument" or "FI" means a negotiable voucher issued by a Local Agency that specifies the quantity, size and type of authorized foods available to a WIC Participant within a designated time period, which can subsequently be taken to a Vendor in exchange for the specified quantities of food.

"Food Voucher" means Food Instrument.

"Grocery Store" means a fixed and permanent retail store whose primary business is the sale of food.

"IAPA" means the Illinois Administrative Procedure Act. (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100]

"Illinois WIC Retail Food Delivery System" means the system in which Participants obtain WIC foods by submitting a Food Voucher to a WIC

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Retail Vendor.

"Invalid Vendor" is a rejection label which means a Food Instrument deposited or mailed by a Vendor which has been encoded and rejected by the Department's contract bank for the following reasons: the Food Instrument has not been stamped with the Vendor Number, the Vendor Number is unauthorized, unreadable, not in the space indicated, or a counterfeit Vendor Stamp is used. Typed or handwritten numbers shall not be accepted.

"Local Agency" means a public or private, non-profit health or human services agency which provides health services, either directly or through contract, in accordance with the USDA WIC Regulations, the Act, or this Part.

"Minimum Supply of WIC Foods" means the Department published list of the minimum required quantities, sizes, and types of WIC Foods which must be maintained in stock at all times by a Vendor.

"Participant" means authorized pregnant women, breastfeeding women, postpartum women, infants or children who are receiving supplemental foods or Food Instruments under the WIC Program.

"Participant Requested Delivery" means a Participant requested delivery of WIC approved foods from a Vendor to an address specified by the WIC Participant or Proxy.

"Participant/Vendor Ratio" means the total number of WIC Participants redeeming Food Instruments through WIC Retail Vendors in a given region divided by the total number of WIC Retail Vendors in the same region.

"Pharmacy" means any store, shop, department, or other place, at a fixed and permanent location, having the capability to dispense and sell or offer for sale at retail value by a licensed pharmacist drugs, medicines, poisons, and liquid foods, prescribed for an individual by dentists, veterinarians, and physicians licensed to practice medicine in all its branches.

"Posted Shelf Price" means the clearly displayed price of WIC Foods charged to the general public, identifying the price of the specific WIC Food item. When no price is posted, the Posted Shelf Price shall be deemed to be the average price for a particular food item based on the Retail Vendor Price Survey for stores of like size and location.

"Proxy" means a person who is authorized by the Local Agency and the WIC Participant to accept and/or redeem Food Instruments on a participant's behalf.

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"Region" means a geographic area in the State of Illinois which is identified by specific boundaries determined by the Department. (See Section 672.105(a).)

"Regional Average Composite Food Package Cost" means an amount determined by first multiplying the quantity of each WIC Food item in the Composite Market Basket times the average regional shelf price for that item as derived from the Retail Vendor Price Survey for that region weighted to reflect the distribution of Store Types in the Region. These totals are then added together to determine the regional average cost of all items in the Composite Market Basket.

"Retail Vendor Price Survey" means the current prices, reported to the Department, by a Vendor or a Department Representative, as charges for WIC Foods.

"Store Type" means the classification of WIC Retail Vendors by the number of active customer check-out lanes/cash registers. One or two lanes is a type 1 Vendor Site. Three or four lanes is a type 2 Vendor Site. Five to seven lanes is type 3 Vendor Site. Eight or more lanes is a type 4 Vendor Site. A Pharmacy is a type 5 Vendor Site and a WIC Food Center is a type 6 Vendor Site.

"USDA" means the United States Department of Agriculture.

"USDA WIC Regulations" means the Regulations of the United States Department of Agriculture, Food and Nutrition Service, Special Supplemental Food Program for Women, Infants, and Children as updated. 7 CFR 246 (1990)

"Valid WIC Retail Vendor Contract" means a contract that is binding only between the Department and the officer, partner or sole proprietor who originally signed the Vendor Application and Vendor Contract.

"Vendor" or "WIC Retail Vendor" means the individual, partnership, limited partnership, unincorporated association, or corporation authorized by the Department to accept Food Instruments and to provide supplemental food to WIC Participants, Proxies of WIC Participants or Department Representatives.

"Vendor Number" means the number assigned to an authorized Vendor by the Department for validating Food Instruments.

"Vendor Site" means a fixed and permanent location, operating as a Business Entity, listed in the WIC Vendor Application, which has been authorized by the Department for purposes of delivery of WIC Foods to WIC Participants or the Proxy of a WIC Participant.

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"Vendor Stamp" means the stamp provided to a Vendor by the Department for validating Food Instruments.

"Violation" means an infringement of Federal or State rules or statutes or local laws.

"WIC Food Centers" are WIC food distribution sites through which the Department or its Representative provide the direct distribution of WIC foods.

"WIC Food List" means the published list of the State of Illinois authorized WIC Foods.

"WIC Foods" means those competitively priced foods which have been placed on the WIC Food List, which have been determined by the Department to be nutritionally qualified for the WIC Program in the State of Illinois.

"WIC Participant Identification Card" means the card issued by a Local Agency to a Participant for purposes of the WIC Program.

"WIC Vendor Contract" means an agreement signed by the WIC Retail Vendor and the Department for the provision of WIC Foods to Participants, the Proxies of WIC Participants or Department Representatives.

"Women Infants and Children Nutrition Program" and "WIC" mean the Federal Special Supplemental Food Program for Women Infants and Children authorized by Section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786). (Section 3(a) of the Act)

(Source: Amended 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.105 Incorporated and Referenced Materials

a) The following materials are ~~incorporated~~ referenced in various Sections of the Part:

- 1) The WIC Vendor Management Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.) [410 ILCS 255]
- 2) ~~USDA-WIC Regulations, 7-CFR-Part-246-(September-1990)~~
- 3) ~~The Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1 et seq.) [30 ILCS 505] (Sections 672.210(a)(5) and (7) and 672.435)~~
- 4) ~~Criminal Code of 1961 (Ill. Rev. Stat. 1991, ch. 38, par. 33E-3 and 33E-4) [720 ILCS 95 5/33E-3 and 33E-4] (Section 672.210(a)(10))~~
- 5) ~~Illinois Human Rights Act (Ill. Rev. Stat. 1991, ch. 68, par.~~

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- 2-102(a)) [755 ILCS 5/2-102] (Section 672.440)
 6) ~~Code of Federal Regulations, 7-PPP-157-15a--and--15b--(Section 672.440):~~

- 5) Rules of Practice and Procedure in Administrative Hearings, 77 Ill. Adm. Code 100.

- b) The following materials are incorporated in various Sections of this Part:

- 1) USDA WIC Regulations, 7 CFR 246
 2) Code of Federal Regulations, 7 CFR 15, 15a and 15b (Section 672.440).

- b7c) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.

- c7d) All citations to federal regulations in this Part concern the specified regulation in the January 1990 1994 Code of Federal Regulations, unless another date is specified.

- d7e) Copies of all incorporated materials are available for inspection and duplication (at a fee in accordance with Section 1126.410 of the Department's Freedom of Information Code (2 Ill. Adm. Code 1126)) by the public at the Department's Central Office, Division of Health Assessment and Screening (535 West Jefferson, Springfield, Illinois 62761).

(Source: Amended at 19 Ill. Reg. 606, effective JAN 09 1995)

SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

Section 672.200 Geographic Distribution and Number of Vendors

Prior to offering an application to a potential Applicant vendor, the Department shall utilize Participant/Vendor Ratios and shall consider Participant needs within geographical locations to determine if the Applicant meets the Regional Participant/Vendor Ratio to be eligible for selection. The Participant/Vendor Ratio shall be calculated for the geographic regions within the State of Illinois (see Appendix A) to determine the need for WIC Retail Vendors within such regions. Participant/Vendor Ratios for each of the nine (9) regions within Illinois shall be:

- a) Regions one (1) through six (6) shall be greater than 40, but shall be less than 60. Regions seven (7) and eight (8) shall be greater than 100, but shall be less than 160. Region nine (9) shall be greater than 75, but less than 175. Upon the effective date of this Part, region nine (9) shall be greater than 145, but less than 175.
 b) With the exception of a Pharmacy, if an Applicant applies for WIC Authorization in a region which has more vendors than the minimum number of vendors allowed in the region, the Applicant shall not be authorized unless the Applicant agrees to charge the Department a maximum of ninety-five percent (95%) or less of the maximum value of

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the Food Instrument(s) or of the lowest shelf price for WIC food items, whichever is less, ~~Department--Estimated--Cost--for--WIC--foods~~ and agrees not to exceed this ninety-five percent (95%) level for more than two (2) months during the contract period of Authorization. Vendors authorized under this provision whose charges to the Department exceed ninety-five (95%) of the maximum value of the Food Instrument(s) or the lowest shelf price for WIC food items, whichever is less, ~~Department--Estimated--Cost~~ shall be placed on probation for the duration of their contract period. In addition, such Vendors shall reimburse the Department for the difference between the amount received and ninety-five percent (95%) or less of the maximum value of the Food Instrument(s) or the lowest shelf price for WIC food items, whichever is less. If the Vendors do not pay this reimbursement within thirty (30) calendar days from the date they are notified, they shall be subject to violations specified in Section 672.505(a) ~~subject--to the--sanctions--specified--in--Section--672--510a7.~~

(Source: Amended at 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.205 Application Procedures

The Department shall provide an Application for applying to become an authorized WIC Retail Vendor. Submission of a completed Application shall not constitute Authorization to an Applicant to accept or receive payment for Food Instruments. Any Application submitted improperly or incompletely shall be returned to the Applicant. Any Application not completed and returned to the Department within ninety (90) calendar days from receipt by the Applicant shall not be processed. An Applicant can apply for Authorization to become a WIC Retail Vendor by submitting the following to the Department:

- a) An Application for WIC Vendor Authorization as a sole proprietorship shall include the following:
- 1) identity, address, and date of birth of owner;
 - 2) the Federal Employer Identification Number (FEIN) of the Business Entity;
 - 3) identification of any ownership interest of thirty percent (30%) or more in any other entity applying for WIC Vendor Authorization or WIC Vendor;
 - 4) identification of the Business Entity, the Store Type, location of the proposed Vendor Site and an employee contact for WIC purposes;
 - 5) proof of the owner's identity;
 - 6) proof of the Business Entity's FEIN;
 - 7) proof of USDA Food Stamp Authorization, if applicable; and
 - 8) identification of any person holding elective office as specified in Section 672.210(a)(7) and Section 11.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1) [30 ILCS 505/11.1] and the elective office held.

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b) An Application for WIC Vendor Authorization as a corporation shall include the following:

- 1) identity and location of the corporation's principal place of business;
 - 2) identity and address of the corporation's registered agent;
 - 3) FEIN of the corporation;
 - 4) identification, address and date of birth of any individual with an ownership interest of thirty percent (30%) or more by the stockholders and such an ownership interest by these stockholders in any other entity applying for WIC Vendor Authorization or WIC Vendor;
 - 5) identification of the Business Entity, the Store Type, location of the proposed Vendor Site and an employee contact for WIC purposes;
 - 6) ~~Certificate-of-Good-Standing--from--the--Illinois--Secretary--of--State;~~ Certification of Incorporation from the State in which the Applicant is incorporated;
 - 7) identification, and address and date of birth of each Corporate Officer;
 - 8) proof of identity for each Corporate Officer;
 - 9) ~~proof of corporation's FEIN;~~ proof of USDA Food Stamp Authorization, if applicable; and
 - 10) identification of any person holding elective office as specified in Section 672.210(a)(7) and Section 11.1 under the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1) (30 ILCS 505/11.1) and the elective office held.
- c) An Application for WIC Vendor Authorization as a partnership or limited partnership shall include the following:

- 1) identity and address of each limited and general partner and the registered agent;
- 2) ownership percentages of each limited and general partner;
- 3) FEIN of the partnership or limited partnership;
- 4) identification of an ownership interest of thirty percent (30%) or more by the partners listed in subsection (c)(1) above and such an ownership interest by these partners in any other entity applying for WIC Vendor Authorization or WIC Vendor;
- 5) identification of the Business Entity, the Store Type, location of the proposed Vendor Site and an employee contact for WIC purposes;
- 6) proof of identity of each limited and general partner and date of birth;
- 7) proof of the partnership or limited partnership FEIN;
- 8) proof of USDA Food Stamp Authorization, if applicable;
- 9) if a limited partnership, it must provide a Certificate of Existence issued by the Illinois Secretary of State; and
- 10) identification of any person holding elective office as specified in Section 672.210(a)(7) and Section 11.1 under the Illinois

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Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1) (30 ILCS 505/11.1) and the elective office held.

- d) Each owner, partner, limited partner, or shareholder of five percent (5%) or more of any stock shall also provide a statement concerning any conviction for a misdemeanor involving fraud, theft, or misuse of state or federal funds or any felony.
- e) Each Applicant or authorized representative shall attest to the accuracy of information provided in the Application.
- f) The Applicant shall have an obligation to notify the Department in writing, by Certified Mail, of material changes in information contained on the Application after Authorization and during the term of the WIC Vendor Authorization.
- g) Proof of FEIN shall include a copy of a notice of new employer identification number assigned or a copy of the Federal Tax Deposit Coupon.
- h) Proof of identity shall include a copy of the Applicant's driver's license or an identification card issued by the Illinois Secretary of State.
- i) If applicable, proof of USDA Food Stamp Authorization shall include a copy of the federal Food Stamp Program Authorization/Retailer Card.
- j) The Applicant shall provide documents which verify the date of purchase or acquisition of the Business Entity for which the Applicant is seeking WIC Vendor Authorization.
- k) Each Applicant shall attest to compliance with necessary local, municipal, or village licenses at the proposed Vendor Site.

(Source: Amended at 19 Ill. Reg. 606, effective JAN 9 1995)

Section 672.210 Authorization Criteria and Procedures

- a) Only WIC Retail Vendors authorized by the Department shall be eligible to accept Food Instruments or otherwise provide supplemental foods to WIC Participants, Proxies or Department Representatives. Any Applicant seeking Authorization to become a WIC Retail Vendor has an obligation to meet the following criteria before Authorization. In addition, any authorized Vendor has a continuing obligation to meet the below listed criteria during the period of Authorization:
 - 1) The Vendor Site shall be located within the boundary lines of the State of Illinois.
 - 2) The Vendor Site shall have a fixed and permanent location. This site shall be the address indicated on the WIC Vendor Application and shall be the location where a WIC Participant, Proxy or Department Representative shall select WIC Foods during business hours.
 - A) This site shall not be at an address or within any building where Food Instruments are distributed to WIC Participants.
 - B) The price charged to the WIC Program for WIC Foods provided

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through Participant Requested Delivery shall not exceed those prices charged to cash paying customers nor the prices posted at the Vendor Site. The Vendor shall not charge for delivery of WIC Foods.

- 3) Each Vendor Site listed in the Application shall have seventy percent (70%) or more gross receipts from the sale of non-alcoholic products.
- 4) Authorization to participate in the USDA Food Stamp Program or any other federal food program is not a prerequisite for Authorization as a WIC Retail Vendor. If, however, an Applicant or Vendor has been authorized to participate in the USDA Food Stamp Program or other federal food program, he shall not have been denied, suspended, disqualified, terminated, or assessed a civil money penalty during the two (2) years preceding Application for Authorization as a WIC Retail Vendor.
- 5) Neither the Applicant, Vendor, nor any officers or officials shall have been involved in bribery as prohibited under Section 10.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1) [30 ILCS 505/11.1].
- 6) The Applicant or approved Vendor shall be barred from receiving state contracts as a result of any default on any educational loans as that term is defined in the Educational Loan Default Act- (Ill. Rev. Stat. 1991, ch. 127, par. 3550 et seq.) [5 ILCS 385].
- 7) Neither the Applicant, Vendor, nor his or her spouse or minor children, shall hold an elective office in the State of Illinois, a seat in the General Assembly, appointment or employment in any of the offices of State government during the period of any WIC Vendor Authorization as prohibited under Section 11.1 of the Illinois Purchasing Act.
- 8) Neither the Applicant, Vendor, its officers, directors, individual partners, nor their spouses or minor children who owns more than seven and one-half percent (7 1/2%) ownership or beneficial interest in the Business Entity seeking Authorization to participate in the WIC Program shall be employed by the WIC Program of a Local Agency.
- 9) Neither the Applicant, nor the Vendor shall have been convicted of a misdemeanor involving fraud, misuse or theft of State or Federal funds or of any felony. A certified copy of conviction may be offered and admitted into evidence as proof of such conviction.
- 10) The Applicant or Vendor shall be barred from bidding on or entering into a WIC Vendor Contract as a result of a violation of Sections 33E-3 or 33E-4 of the Criminal Code of 1961.
- 11) Neither the Applicant, Vendor, nor any owner of thirty percent (30%) or more ownership shall have been terminated from the WIC Program in the previous three (3) years.
- 12) The Applicant or Vendor shall adhere to the provisions of the

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- 13) With the exception of a Pharmacy, if the Applicant is a current or former Vendor, the Applicant's charges to the WIC Program as a percentage of the Department Estimated Cost may be ranked against other current or former Vendor Applicants and may be used as an Authorization criteria in order to meet the minimum number of Vendors needed in a region (Section 672.200) (7 CFR Part 246.12(e)(2)).

b) Applicants shall be authorized as WIC Retail Vendors based upon the following:

- 1) An Application and all supporting documents shall be properly completed and verified by the Department. No Application shall be deemed complete unless it includes all necessary supporting documents required by this Part.
- 2) The Applicant's proposed Vendor Site shall be inspected by the Department.
 - A) The Department shall conduct an inspection of the proposed Vendor Site after receipt of a completed Application. Such inspection shall determine whether the Applicant has the minimum quantities, sizes, and types of WIC Foods and shall verify any business or financial information submitted by the Applicant. Food products originating from WIC Food Centers or CSFP shall not be counted towards the minimum quantities, sizes, and types of WIC foods.
 - B) If the inspection by the Department discloses that the Applicant's proposed Vendor Site does not have the minimum quantities, sizes, and types of WIC Foods necessary or that business or financial information supplied by the Applicant is erroneous, inaccurate or insufficient, the Application shall be denied.
- 3) The minimum quantities, sizes, and types of WIC Foods necessary at a Vendor Site are those specified in the WIC Vendor Contract. A copy of this list shall be provided to each Applicant and authorized Vendor.
- 4) The Department shall complete a Retail Vendor Price Survey of WIC Foods during the inspection by collecting the lowest posted shelf prices for WIC Foods. If the Applicant's Composite Food Package Cost exceeds is the Regional Average Composite Food Package Cost by five percent (5%) or more ~~greater than the Regional-Average Composite-Food-Package-Cost~~, the Application shall be denied, unless the Applicant is a Pharmacy or drug store which only redeems Food Instruments for infant packages.
- 5) The Applicant shall be notified by the Department, within thirty (30) calendar days, whether or not the inspection of the proposed Vendor Site, the business, the financial, or other information provided by the Applicant meet the criteria set forth in this Part. If the Applicant meets such criteria, he shall be notified in writing of approval to attend the initial Retail Vendor

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training course or of his eligibility for an initial Retail Vendor training course or of his eligibility for an initial Retail Vendor training course waiver. (See Section 672.300)

(Source: Amended JAN 09 1995 at 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.220 Criteria for Denial of Authorization

A determination by the Director ~~or designee~~ to deny Authorization shall be based upon a finding that one (1) or more of the following criteria are met:

- a) The Applicant has not met the requirements of the USDA WIC Regulations, the Act, or this Part.
- b) The Applicant has submitted false, erroneous, or inaccurate information on the Application, or in the business or financial information provided to the Department or during the course of the on site inspection of the proposed Vendor Site.
- c) The Applicant has refused to allow the Department access to inspect the proposed Vendor Site during the Applicant's normal business hours.
- d) The Applicant has submitted a FEIN or Social Security number for the Business Entity to be operated at the proposed Vendor Site which is not the same FEIN or Social Security number filed for the same Business Entity with the USDA Food Stamp Program and/or with the Illinois Department of Revenue.
- e) The Applicant does not have the necessary local, municipal, or village license to operate as a Business Entity at the proposed Vendor Site.
- f) With the exception of Pharmacies, the Applicant has previously been authorized as a WIC Vendor and the Applicant's charges as a Vendor for WIC Foods, for a minimum of three (3) months during the contract period, were:
 - 1) more than the Department Estimated Costs for those WIC Foods as reflected in the Vendor Price Survey; or
 - 2) at least five percent (5%) or greater than the average charges submitted by other Vendors of the same Store Type in the same geographic region.
- g) The Applicant has previously been authorized as a WIC Vendor and the Applicant had more than one percent (1%) per month of all Food Instruments submitted to the contract bank rejected for a maximum of three (3) months during a contract period.
- h) The USDA Food Stamp Program has imposed against the Applicant any of the following sanctions:
 - 1) civil money penalty;
 - 2) suspension;
 - 3) disqualification;
 - 4) permanent disqualification.
- i) Failure to pay any fine or reimbursement within the time specified by the Department.

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(Source: Amended JAN 09 1995 at 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.225 Denial of Authorization

- a) Application for Authorization as a WIC Retail Vendor shall be denied when the Director ~~or designee~~ finds that an Applicant meets any of the criteria set forth in Section 672.220.
- b) When the Director ~~or designee~~ determines that the Application for Authorization as a WIC Retail Vendor is to be denied, the Department shall notify the Applicant. The notice to the Applicant shall be in writing and shall include:
 - 1) A clear and concise statement of the basis for denial. The statement shall include a citation to the USDA WIC Regulations, the Act, or the provisions of this Part for which the Application is being denied.
 - 2) A description of the right of the Applicant to appeal the denial of the Application within fifteen (15) calendar days of receipt of the letter and the right to a hearing.
 - 3) A statement that the Applicant may not reapply again for a minimum one hundred eighty (180) calendar days from the date of the notice.

(Source: Amended JAN 09 1995 at 19 Ill. Reg. 606, effective JAN 09 1995)

SUBPART C: WIC VENDOR EDUCATION

Section 672.315 Compliance Training Workshop (Repealed)

- a) Any ~~WIC Retail Vendor who has been found to have committed a Class-A or Class-B or Class-C violation as defined in Section 672.5657 shall be required to attend a compliance training workshop as required in Section 672.510. Any Vendor required to attend shall not represent more than one (1) WIC Retail Vendor Site at any compliance workshop. Attendance at a compliance training workshop must be completed within the time period specified in a final order entered pursuant to Section 672.5660.~~
- b) ~~The Vendor shall be notified in writing of the workshop date by the Department.~~
- c) ~~Workshop topics shall include, but not be limited to, the following: the WIC Vendor Contract; the USDA WIC Regulations; the Act; and the provisions of this Part.~~
- d) ~~All vendors or representatives of the Vendor at a compliance workshop shall sign a roster indicating their attendance.~~
- e) ~~At the end of the compliance workshop, each Vendor or representative of the Vendor shall sign a certification of understanding of the topics addressed during the compliance workshop.~~

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(Source: Repealed at 19 Ill. Reg. 606, effective
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SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section 672.405 WIC Vendor Contract Requirement

All Authorizations to act as WIC Retail Vendors require a properly executed, valid written WIC Vendor Contract between the Department and the Vendor. In the retail purchase system, a standard WIC Vendor Contract shall be used statewide and shall expire annually. Exceptions to this requirement shall be made with the approval of the Director or designee consistent with USDA WIC Regulations (7 CFR 246.12 (f) (1)). Food Instruments accepted after the term of the contract expires will not be reimbursed by the Department's contract bank.

- a) A failure by a Vendor to provide any information, as specified herein, shall be deemed to constitute a material breach of contract.
- b) Currently authorized WIC Retail Vendors shall be required to submit completed applications once every two (2) years.

(Source: Amended at 19 Ill. Reg. 606, effective
JAN 09 1995)

Section 672.420 Specifications for Rejection of Food Instruments

- a) Food Instruments shall be rejected for payment for the following reasons:

- 1) Submission of a Food Instrument before the "First Day To Use".
- 2) Submission of a Food Instrument for payment more than sixty (60) calendar days past the "First Day To Use".
- 3) Submission of a Food Instrument identified by the Department or the Department's contract bank as Invalid Vendor.
- 4) Submission of a Food Instrument by an unauthorized Vendor, or submission of a Food Instrument which has an unauthorized, inaccurate, or missing Vendor Number.
- 5) Submission of a Food Instrument without a Participant or Proxy signature.
- 6) Submission of a Food Instrument whose value is greater than the maximum value amount printed on the Food Instrument.
- 7) Submission of a Food Instrument which has been altered.
- 8) Submission of a Food Instrument which has been fraudulently created.
- 9) Submission of a Food Instrument after notice that a material breach of contract has occurred (Section 672.5205+~~5~~⁶).
- 10) Submission of a Food Instrument accepted after the term of the contract expires.
- b) The following Food Instruments presented to the Department's contract bank shall not be paid:

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- 1) Food Instruments without the participant's signature;
- 2) Food Instruments with a missing, inaccurate, or Invalid Vendor Number;
- 3) Food Instruments submitted for payment before the "First Day to Use;"

- 4) Food Instruments that have been altered;
- 5) Food Instruments that are over the maximum value; or
- 6) Food Instruments that have not been obligated by the local agency (stolen stock).

- c) Appeal procedures for Food Instruments rejected as "Invalid Vendor" and "Amount Invalid" are stated below:

- 1) The Vendor shall have the option to restamp the Food Instruments which were rejected for "Invalid Vendor". The corrected Food Instrument(s) may be resubmitted according to the instructions described in Section 672.415(g) and (h).

- 2) The Vendor shall have the option to correct the "Actual \$ Amount of Sale" on the Food Instruments rejected for "Amount Invalid". The corrected Food Instrument(s) may be resubmitted according to the instructions in Section 672.415(g) and (h).

- d) Excessive rejection of Food Instruments shall be grounds for denial of authorization of the Vendor's Contract as cited in Section 672.220(g).

(Source: Amended at 19 Ill. Reg. 606, effective
JAN 09 1995)

Section 672.445 Amendments Resulting From a Change in Statute or Regulation

The Department shall amend the WIC Vendor Contract, in writing, to include or incorporate additional provisions which shall be required as a result of a change in Federal or State statute or regulation or which shall be required by the Department for the administration, operation, or evaluation of the WIC Program. The Vendor shall receive thirty (30) calendar days notice of the effective date of such amendments, except where such amendments are required as a result of emergency rules adopted pursuant to Section 5-45 of the Illinois Administrative Procedure Act.

(Source: Amended at 19 Ill. Reg. 606, effective
JAN 09 1995)

Section 672.450 Assignment or Transfer

- a) The Vendor shall not sell, assign, or transfer in any manner its Authorization, the WIC Vendor Contract, WIC Vendor Stamp, or WIC Vendor Number. Any actual or attempted sale, assignment or transfer of the Authorization, WIC Vendor Contract, WIC Vendor Stamp, or WIC Vendor Number shall be a material breach of the WIC Vendor Contract. It shall also be a material breach of the WIC Vendor Contract if any unauthorized individual, corporation, partnership, limited

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partnership, unincorporated association or former vendor improperly acquires WIC Authorization after the death of a Vendor (if an individual) or the voluntary or involuntary dissolution of a Vendor corporation, partnership, limited partnership, unincorporated association, or firm, and shall subject the Vendor to termination of its Authorization and a fine assessment in accordance with Sections 672.510, 672.515 and 672.520 of ~~these rules~~ this Part. In addition, any assignee, transferee, buyer, or recipient of a Vendor's Authorization, WIC Vendor Contract, WIC Vendor Stamp, or WIC Vendor Number shall be in violation of this Part and shall be subject to the sanctions set forth in Section 672.510(c)(4) of ~~these rules~~ this Part.

c) At least fifteen (15) calendar days in advance, the Vendor shall notify the Department of any scheduled sale, lease, bankruptcy or cessation of the Vendor's Business Entity, or of any sale of a majority interest in the Vendor's Corporation, partnership, sole proprietorship, or Business Entity ~~business-entity~~. Such notification shall be sent by certified mail and in writing to the place and address listed in the WIC Vendor Contract, Section XVI Notices.

(Source: ~~Amended~~ 19 Ill. Reg. 606, effective JAN 09 1995)

SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section 672.505 Violations

Violations shall be classified as either Class A Violations, Class B Violations, or Class C Violations. Each Class of violation is listed below.

- a) Class A Violations:
- 1) Imposition of any of the following sanctions by the USDA Food Stamp Program:
 - A) civil money penalty
 - B) suspension
 - C) disqualification
 - D) permanent disqualification
 - 2) Exchanging cash for Food Instrument(s).
 - 3) Exchanging non-food items for Food Instrument(s).
 - 4) Charging WIC Participants, Proxies or Department Representatives more for WIC Foods than non-WIC customers.
 - 5) Charging the WIC Program for WIC Foods not received by the Participant, Proxy or Department Representatives.
 - 6) Claiming reimbursement for the sale of any amount of WIC Food which exceeds the store's documented inventory of that food for a specified period of time.
 - 7) Submitting false, erroneous or inaccurate information on the application or WIC Retail Vendor Contract.
 - 8) Exchanging credit for WIC Food Instrument(s).
 - 9) Exchanging alcohol for WIC Food Instrument(s).

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- 10) Receiving WIC Food Instrument(s) from any source other than a Participant, a Proxy or a Representative of the Department.
- 11) Transacting WIC Food Instrument(s) from any source other than a Participant, a Proxy or a Representative of the Department.
- 12) Redeeming WIC Food Instrument(s) which have been received from any source other than a Participant, a Proxy or a Representative of the Department.
- 13) Charging WIC Participants, Proxies or Department Representatives more than the Posted Shelf Price for WIC food items.
- 14) Charging the WIC Program for WIC Foods provided in excess of those listed on the WIC Food Instrument(s).
- 15) Failure to maintain the minimum required quantity, size and type foods in at least three (3) WIC Foods excluding infant formula as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract. (See definition of "Minimum Supply of WIC Foods" in Section 672.100.)
- 16) Failure to maintain the minimum required quantity, size and type of infant formula as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract. (See definition of "Minimum Supply of WIC Foods" in Section 672.100.)
- 17) Acceptance of WIC Food Instrument(s) that is signed by a Participant, a Proxy, or a Department Representative before the total actual cost is filled in by the Vendor.
- 18) Submission of false, erroneous or inaccurate information in the business or financial information provided to the Department, on the Retail Vendor Price Survey, or during the course of inspections of the Vendor Site.
- 19) Refusing to allow the Department access to inspect the Vendor Site during normal business hours.
- 20) Submission of a Federal Employers Identification Number (FEIN) for the Business Entity operating as a Vendor which differs from the FEIN filed for the same Business Entity with the USDA Food Stamp Program or with the Illinois Department of Revenue.
- 21) Failure to fulfill the terms of the WIC Vendor Contract.
- 22) The sale, lease, assignment, transfer or discontinuation of the Business Entity or moving the Business Entity to a new location or new address without notice to, and approval of, the Department.
- 23) Use of WIC Authorization by any unauthorized individual, corporation, partnership, limited partnership, unincorporated association or former Vendor who has improperly acquired WIC Authorization after the death of a Vendor (if an individual) or the voluntary or involuntary dissolution of a Vendor corporation, partnership, limited partnership, and unincorporated association.
- 24) Failure to charge the Department a maximum of ninety-five percent (95%) or less of the maximum value of the Food Instrument(s) or the lowest shelf price for WIC food items, whichever is less, for any four (4) months of a contract period of Authorization.

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25) Failure to pay the Department the amount of any reimbursement due pursuant to Section 672.200(b).

b) Class B Violations:

- 1) Substitution of unauthorized foods not specified on the Food Instruments or WIC Food List.
- 2) Failure to maintain the minimum required quantity, size and type foods, as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract, but only if this failure is for two (2) or fewer WIC Foods excluding infant formula. (See the definition of "Minimum Supply of WIC Foods" in Section 672.100.)
- 3) Requiring a Participant to select a different type or brand of WIC Foods when not specified on the Food Instrument.
- 4) Altering or submitting for payment altered Food Instruments.
- 5) Accepting any remuneration for the difference between the maximum value of the Food Instrument and the shelf price of the WIC Foods.
- 6) Having any expired WIC Food(s) on the shelf. (See Section 672.100 "Expired Food")

7) ~~Acceptance of a Food Instrument that is signed by the Participant, Proxy, or Department Representative before the total actual cost is filled in by the Vendor.~~

70) Refusing to allow Participants, Proxies or Department Representatives to take all food items listed on the Food Instrument.

99) Not posting the shelf price for WIC Foods. If no price is posted, then for purposes of this Section, the Posted Shelf Price shall be deemed to be the average price for a particular food based on the Retail Vendor Price Surveys performed pursuant to this Part, for stores of like size and location.

910) The possession, the display on the shelf in the Vendor site, the attempted sale or actual sale of food products which originated from the WIC Food Centers or the Commodity Supplemental Food Program (CSFP).

c) Class C Violations:

- 1) Exchanging cash or credit for Food Instruments without a valid WIC Retail Vendor Contract.
- 2) Exchanging alcoholic beverages, food or non-food items for WIC Food Instruments without a valid WIC Retail Vendor Contract.
- 3) Exchanging WIC Food Instruments for cash, credit or favors without a valid WIC Retail Contract.

(Source: Amended 19 Ill. Reg. 606, effective JAN 9 1995)

Section 672.510 WIC Vendor Sanctions

a) Any Class A Violation shall subject a Vendor to the following sanctions:

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- 1) Termination from the WIC Program for a period of one year; and
- 2) A fine assessment of \$1,500.00; and
- 3) Reimbursement to the Department for any overcharges, charges for items not received, monies paid for products not authorized as WIC Foods, and monies paid for Food Instruments accepted without a valid contract.

b) Any Class B Violation shall subject a Vendor to the following sanctions:

- 1) A fine assessment of \$750.00; and
- 2) Certification that situation giving rise to the violation has been corrected.

c) Any Class C Violation shall subject the violator to the following sanctions:

- 1) A fine assessment of \$1,500.00; and
- 2) Reimbursement to the Department for the "Actual Dollar(s) Amount of Sale" indicated on Food Instruments submitted to the Department's contract bank, or the total amount which was credited or paid by the Department's contract bank to the former Vendor, individual, Business Entity, or commercial enterprise; and
- 3) Any individual who held any ownership interest in the violator shall be prohibited from applying to become an authorized WIC Retail Vendor for a period of three (3) years.

d) The total fine assessed in any one (1) notice of fine assessment shall not exceed \$6,000.00, regardless of the number and class of violations alleged against a Vendor.

Any Class A Violation shall require the Vendor, former vendor, or any person or entity engaged in the activity of a WIC Vendor to reimburse the Department for any overcharges, charges for items not received, monies paid for products not authorized as WIC Foods, and monies paid for Food Instruments accepted without a valid contract.

a) Any Class A Violation shall constitute grounds for termination of Authorization pursuant to Sections 672.415 and 672.520. The length of such termination shall constitute at a minimum termination from the WIC Program for a period of two (2) years. Each such Class A Violation shall also subject a Vendor to a fine assessment of five thousand dollars (\$5,000) and attendance at a compliance training workshop except for the violations cited in Section 672.505(f)(1).

b) Any Class B Violation shall constitute grounds for the following sanctions:

1) The WIC Retail Vendor shall be fined \$2,000 for each Class B Violation. This fine shall be paid and received by the Department within thirty (30) calendar days from the date of the final order.

2) If the Vendor fails to pay the fine within thirty (30) calendar days from the date of the final order, the Department shall suspend the Vendor and an additional fine of two thousand dollars (\$2,000) shall be required to reinstate Vendor Authorization.

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- (See Sections 672-515, 672-520, and 672-615.)
- e) Any class of violation shall constitute grounds for the issuance of a written order which prohibits the person from engaging in the business of a vendor and the assessment of a fine as detailed in subsection (f) below.
- ed) All fine assessments shall be paid within thirty (30) calendar days from date of final order by cashier certified check or money order in United States currency. If the fine assessment is not received by the Department within thirty (30) calendar days from the date of the final order, any collection fees and any other costs associated with the collection of the fine assessment shall be paid in addition to the fine.
- e) Any and all compliance training workshops required by the Department for the vendor or former vendor shall be attended within one hundred eighty (180) calendar days from the date of final order.
- f) If any former vendor, individual, business entity, or commercial enterprise has met the criteria set forth in Section 672-515(d), this shall constitute grounds for the Department to impose a fine of five thousand dollars (\$5,000) for each month that the former vendor, individual, business entity, or commercial enterprise accepts, submits or deposits food instruments for reimbursement from the Department's contract bank. The total fine shall not exceed fifteen thousand dollars (\$15,000). The former vendor, individual, business entity, or commercial enterprise will reimburse the Department for the actual amount of sale indicated on food instruments and submitted to the Department's contract bank, or the total amount which was credited or paid by the Department's contract bank to the former vendor, individual, business entity, or commercial enterprise as cited in Section 672-515(d).

Source: Section repealed, new Section added at 19 Ill. Reg. 606, effective JAN 9 1995

Section 672.515 Criteria for Termination or Suspension of Authorization, Prohibition, and/or Fine Assessment

- a) A determination by the Director or designee to terminate Authorization and impose a fine assessment shall be based upon a finding that one (1) or more of the following criteria are met:
- 1) the Vendor has not met one (1) or more requirements of the USDA WIC Regulations, the Act, or the provisions of this Part;
 - 2) the Vendor has submitted false, erroneous, or inaccurate information on the Application, in the business or financial information provided to the Department, on the Retail Vendor Price Survey, or during the course of inspections of the Vendor Site;
 - 3) the vendor has refused to allow the Department access to inspect the vendor site during normal business hours.

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- 34) the Vendor has been found by the Department to have violated provisions of Section 672.505(a);
- 45) the Vendor has submitted a Federal Employers Identification Number (FEIN) for the Business Entity operating as a Vendor which differs from the FEIN filed for the same Business Entity with the USDA Food Stamp Program or with the Illinois Department of Revenue; or
- 56) the Vendor has not fulfilled the terms of the WIC Vendor Contract; or
- 6) any person with an ownership interest of thirty percent (30%) or more in any entity authorized as a WIC Retail Vendor who has been convicted of criminal activity in connection with the USDA WIC Program.
- b) A determination by the Director or designee to impose a fine shall be based upon a finding that a Vendor has been found by the Department to have violated provisions of Section 672.505(b).
- c) A determination by the Director or designee to terminate Authorization shall be based upon a finding that one or more of the following criteria are met:
- i) the Vendor has sold, leased, assigned, transferred, or discontinued the Business Entity or moved the Business Entity to a new location or new address; or
 - 2) the Vendor corporation, partnership, or limited partnership has been voluntarily or involuntarily dissolved or that the Vendor sole proprietor has died.
- cd) A determination by the Director or designee to prohibit Vendor activity and impose a fine shall be based upon the finding that a former Vendor, individual, Business Entity, or commercial enterprise violated provisions of Section 672.505(c) or engaged in the activities of a WIC Vendor. (See Section 672.510(c)(f).)
- de) A determination by the Director or designee to prohibit Vendor activity shall be based upon a finding that the Vendor failed to provide any information as specified in USDA WIC regulations, the Act, or the provisions of this part Part which shall be deemed a material breach of contract.
- e) If the Vendor fails to pay any fine assessed under this Part within thirty (30) calendar days from the date of the final order, the Department shall suspend the Vendor and an additional fine of \$1,500.00 shall be required to reinstate Vendor Authorization.
- f) When the Director determines that the termination or suspension of a WIC Vendor's Authorization, prohibition of activity, and/or imposition of fine assessment is to occur, the Department shall notify the Vendor, individual, Business Entity or commercial enterprise that engages in WIC Vendor activities. The notice shall be in writing and shall include:
- 1) A statement of the nature of the basis for the adverse actions. The statement shall include a citation to the provisions of the USDA WIC Regulations, the Act, or this Part on which the sanction

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is based.

- 2) A description of the right of the Vendor, individual, Business Entity or commercial enterprise to appeal the adverse action and the right to a hearing.

(Source: Amended at 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.520 Breach of Contract Suspension-of-Authorization--Termination of-Authorization--Prohibition-and/or-Pine-Assessment

- a) Upon determination by the Director that a substantial breach of contract has been committed by a Vendor, the Department shall repudiate its contract with the Vendor and terminate the Vendor Authorization.

- b) In determining whether a Vendor has committed a substantial breach of contract the Director shall consider whether participants would be unduly inconvenienced and may consider other relevant criteria.

- c) Any repudiation to the contract by the Department and resultant termination of the Retail Vendor Contract will take effect only after the Vendor receives 15-day advance written notification of the adverse action, the cause(s) for and effective date of such action.

- a) The termination-of-Authorization-as-a-WIC-Retail-Vendor--prohibition of-activity-and/or-imposition-of-the-fine-assessment-shall-occur-when the-Director-or-designee-finds-that-the-Vendor--individual--business entity--or-commercial-enterprise-that-engages-in-WIC-Vendor-activities meets-any-of-the-criteria-set-forth-in-Section-672-515-

- b) When-the-Director-or-designee-determines-that-the-termination-of-a-WIC Vendor's-Authorization--prohibition-of-activity--and/or-imposition-of-fine--assessment--is-to-occur--the-Department-shall-notify-the-Vendor individually-business-entity-or-commercial-enterprise-that-engages-in WIC-Vendor-activities--the-notice-shall-be-in-writing-and-shall include:

- 1) A-statement-of-the-nature-of-the-basis-for-the-adverse-actions- the-statements-shall-include-a-citation-to-the-provisions-of-the USDA-WIC-Regulations--the-Act--or--this-Part-on-which-the termination-is-based;

- 2) A-description-of--the-right-of-the-Vendor--individual-business entity-or-commercial-enterprise-to-appeal-the-adverse-action--and the-right-to-a-hearing.

(Source: Section repealed, new Section added at 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.525 Notice of Violation (Repealed)

Each-notice-of-violation-shall-be-in-writing-and-shall-contain-the-following information:

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- a) a-description-of-the-nature-of-the-violation;
b) a-citation-of-the-specific-provision-of-the-USDA-WIC-Regulations--the-Act-or-this-Part-which-the-Department-believes-has-been-violated;
c) a-statement-of-the-level-of-violation-as-determined-pursuant-to Section-672-505;
d) a-statement-that-the-Department-may-take-additional-action-under-the-Act-or-this-Part--including-termination-of-WIC-Vendor-Authorization and-the-WIC-Vendor-Contract-and-an-assessment-of-penalties;
e) a-description-of--the-Vendor's-right-to-appeal-the-notice-within fifteen-(15)-calendar-days-of-receipt-of-the-notice-and-the-right-to request-a-hearing--and
f) the-effective-date--for-any-proposed-adverse-action-against-a-Vendor under-Sections-672-225--672-510-or-672-529.

(Source: Repealed at 19 Ill. Reg. 606, effective JAN 09 1995)

SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC RETAIL VENDOR ADMINISTRATIVE HEARINGS

Section 672.600 Hearings Applicability--(Repeated)

Any sanctions imposed pursuant to Section 672.225 or 672.510 of this Part shall afford the adversely affected party thereto the opportunity to appeal such action by requesting a hearing within fifteen (15) calendar days after receipt of notice. Any notices issued and hearings held shall be in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100), with the addition of the following provisions:

- a) An administrative hearing must be requested within fifteen (15) calendar days after receipt of notice. Failure to request a hearing within this time frame shall constitute a waiver of the person's right to an administrative hearing.

- b) Motions for a continuance shall be granted only in accordance with Section 2-1007 of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 2-1007)[735 ILCS 5/2-1007]. Motions for continuance shall be in writing and filed at least three (3) calendar days prior to the hearing. Such motions shall state the basis for the request and all steps taken to avoid the necessity of a continuance.

- 1) Only one continuance each shall be allowed for the Vendor, Applicant and the Department. No continuance may be for more than fourteen (14) calendar days.

- 2) After one continuance has been granted to a party, an additional continuance may be granted to that party only if there is a bona fide emergency or "Act of God."

- c) The burden of proof rests with the Department in relation to all administrative actions initiated by the Department pursuant to Section 672.510.

- d) The burden of proof rests with the Applicant as to all administrative

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actions initiated upon a petition for hearing filed by an Applicant after the denial of Authorization under Section 672.225.

- e) Construction of Rules: This Part shall not be construed to abrogate, modify, or limit any rights, privileges, or immunities granted or the protected by the Constitution or laws of the United States or the Constitution or laws of the State of Illinois. In case of any conflict between this Part and the WIC Vendor Management Act, the terms of the latter shall control. In case of any conflict between this Part and Article II of the Code of Civil Procedure or the Supreme Court practice rules, the terms of this Part shall control.

- f) Waiver: Compliance with any of the provisions of Subpart F of this Part or with any or all provisions of the IAPA regarding contested cases may be waived by written stipulation of all parties.

(Source: Section repealed at 18 Ill. Reg. 2450, effective February 1, 1994, new Section added at 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.605 Parties to Hearings (Repealed)

~~The Department and the Applicant, Vendors, former Vendors, or any person or entity engaged in the activity of a WIC Vendor shall be the only parties to administrative hearing before the Department.~~

(Source: Repealed at 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.610 Appearance and Representation of a Party

The provisions of Section 100.4 of the Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) shall not apply to proceedings under this Part, but shall be replaced by the following provisions:

- a) A party may be represented by an attorney who is licensed in Illinois. Attorneys who appear in a representative capacity must file a written notice of appearance setting forth:

- 1) the name, address and telephone number of the attorney;
- 2) the name and address of the party represented; and
- 3) an affirmative statement indicating that the attorney is licensed to practice law in Illinois.

- b) An attorney, licensed to practice law, may withdraw from employment as a representative only upon written notice to the Department stating the reasons for withdrawal and consistent with the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 1-101.) [735 ILCS 5/1-101]. Such withdrawal shall require an appropriate ruling by the Administrative Law Judge.

- c) A sole proprietor who is authorized as a WIC Retail Vendor or former Vendor, or any person or entity engaged in the activity of a WIC Vendor may appear and be heard on his own behalf.

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- d) A corporation or association which is authorized as a WIC Retail Vendor or was authorized as a former Vendor, or any person or entity engaged in the activity of a WIC Vendor shall appear and be heard only by an attorney licensed to practice in the State of Illinois.
- e) A partnership or limited partnership authorized as a WIC Retail Vendor or that was authorized as a former Vendor, or any person or entity engaged in the activity of a WIC Vendor may appear and be heard by any partner, upon presentation to the Department of written authorization from all partners authorizing him to act in a representative capacity. Special appearances are not recognized. The initial appearance regardless of form is deemed a general appearance.
- f) Each party to a proceeding who appears before the Department either in person or by counsel, shall inform the Department in writing or upon the record of the address at which any notice or other document may be served upon him or her in such proceeding. All further service may be made by regular mail unless otherwise required by statute or rule. Service shall be presumed unless disputed in the record.
- h) Attorneys appearing before the Department shall conform their conduct to the Illinois Code of Professional Responsibility, effective December, 1989, and as amended. Any failure to behave in a manner which permits the efficient functioning of the hearing will authorize the Administrative Law Judge to take the following actions:

- 1) limitation of evidence;
- 2) substitution of written argument in place of oral argument; or
- 3) exclusion of an attorney from the proceeding.

(Source: Amended 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.615 Commencement of an Action (Repealed)

~~Administrative actions under this Part shall be commenced by the Director or designee signing and issuing a notice of violation--termination--or--penalty assessment--or--as a result of a request for a hearing--by an Applicant--resulting from denial of Authorization--the effective date of any notice of violation--termination--or--penalty assessment--or--any denial of authorization--shall be not less than 15 days from the date of receipt of such notification.~~

- a) For notice in all actions under this Part, the Department shall serve on all parties to a Contested Case a notice of an opportunity for an administrative hearing. The notice shall be signed by the Director. i) the notice of an opportunity for an administrative hearing shall contain--

- A) a statement of the nature of the hearing;
- B) a statement of the date and place at which a request for a hearing from the person given the opportunity for a hearing is to be received by the Department, and the date set for receipt of the request for a hearing--shall be at least fifteen (15) calendar days from the date the notice is

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- mailed-or-personally-served.
- 6) A statement-of-the-legal-authority-and-jurisdiction-under which-the-hearing-is-to-be-held.
- 7) A reference-to-the-applicable-sections-of-USA-WIC Regulations-the-Act-or-this-Party-and unless-accompanied-by-a-notice-of-violation-a-short-plain statement-of-the-matters-asserted.
- 8) An-administrative-hearing-must-be-requested-within-fifteen-(15) calendar-days-of-receipt.
- 9) An-Applicant-or-a-WIC-Retail-Vendor-who-receives-a-notice-of-an opportunity-for-an-administrative-hearing-must-submit-a-written request-for-the-hearing-to-the-Department-the-request-is-to-be sent-to-the-Department-at-the-address-stated-in-the-notice-and must-be-postmarked-by-the-date-set-forth-in-the-notice-Patrons to-comply-with-this-rule-shall-constitute-a-waiver-of-the person's-right-to-an-administrative-hearing.
- 10) Upon-receipt-of-the-request-for-a-hearing-within-the-stated-time frame-the-Department-shall-issue-a-notice-of-an-administrative hearing-The-notice-of-the-nature-of-the-hearing shall-contain:-
- 1) A statement-of-the-time-and-place-of-the-hearing-or-if-a pre-hearing-or-conference-is-scheduled-by-the-Department-the time-and-place-of-the-conference.
- 2) A statement-of-the-legal-authority-and-jurisdiction-under-which the-hearing-is-to-be-held.
- 3) A reference-to-the-applicable-sections-of-USA-WIC-Regulations-the-Act-or-this-Party.

(Source: Repealed 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.620 Motions (Repealed)

- 1) Motions-unless-made-during-a-hearing-or-the-pre-hearing-conference shall-be-made-in-writing-and-shall-be-set-for-the-relief-or-order sought-the-requirement-of-writing-is-fulfilled-if-the-motion-is stated-in-a-written-notice-of-motion-Motions-to-amend-the-notice-of violation-and-answer-may-be-allowed-in-accordance-with-Section-616 of-the-Code-of-Civil-Procedure-(735-5/2-616)-(111)-Rev-Star-1991-Chr-1107-Par-2-616-upon-proper-motion-at-any-time-during-the pendency-of-the-proceeding-such-motion-shall-not-effect-the-hearing timeframes-set-forth-in-this-Part-Motions-based-on-a-matter-which does-not-appear-of-record-shall-be-supported-by-affidavit.
- 2) Written-motions-shall-be-titled-as-to-the-party-making-the-motion-and the-nature-of-the-relief-sought-Such-title-shall-be-in-capital letters-and-shall-be-placed-below-the-caption-or-to-the-right-of-the caption-beneath-the-docket-number-No-motion-shall-be-identically titled-with-any-other-motion.

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- 1) If-not-raised-at-the-earliest-opportunity-motions-to-the-pleadings shall-be-deemed-waived-Motions-to-the-pleadings-shall-not-be-granted if-the-pleadings-are-in-conformity-with-Section-672.625-of-this-Part or-the-information-sought-is-obtainable-through-discovery.
- 2) The-Administrative-Law-Judge-shall-not-have-the-authority-to-postpone a-vacatur-or-overturn-an-order-of-the-Department-but-may-make-a recommendation-to-to-the-Director-any-time-before-he-issues-the Administrative-Law-Judge's-report-that-an-inferior-order-be-issued postponing-vacating-or-overturning-the-order-if-circumstances-warrant such-a-recommendation.
- 3) Motions-for-a-continuance-shall-be-granted-only-in-accordance-with Section-2-1007-of-the-Code-of-Civil-Procedure-(735-5/2-1007)-Motions-for-a-continuance shall-be-in-writing-and-filed-at-least-three-(3)-calendar-days-prior to-the-hearing-Such-motions-shall-state-the-basis-for-the-request and-all-steps-taken-to-avoid-the-necessity-of-a-continuance.
- 4) Only-one-continuance-shall-be-allowed-for-the-Vendor-and Department-No-continuance-may-be-for-more-than-fourteen-(14) calendar-days.
- 5) After-one-continuance-has-been-granted-to-a-party-an-additional continuance-may-be-granted-to-that-party-only-if-there-is-a bona fide-emergency-or-Act-of-God.
- 6) Whenever-possible-as-much-of-the-hearing-as-possible-shall-be heard-and-only-those-matters-that-must-be-continued-shall-be continued.
- 7) All-motions-petitions-and-other-pleadings-under-this-Section-shall-be filed-with-the-Administrative-Law-Judge-with-a-copy-being-sent-to-all other-parties.

(Source: Repealed 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.625 Discovery (Repealed)

- 1) Prior-to-or-at-the-pre-hearing-conference-the-Department-shall provide-an-Applicant-or-Vendor-with-a-copy-of-all-the-Department's investigative-reports-including-any-forensic-instruments-specific-to-the matter-in-dispute-and-to-the-Applicant-or-Vendor-against-whom-the administrative-action-is-pending-if-no-pre-hearing-conference-is requested-the-Department-shall-provide-copies-of-the-investigative reports-and-forensic-instruments-prior-to-hearing.
- 2) Upon-written-request-served-on-the-opposing-party-any-party-shall-be entitled-to:-
- 1) the-name-and-address-of-any-witness-who-may-be-called-to-testify
- 2) copies-of-any-document-which-may-be-offered-as-evidence-and
- 3) a-description-of-any-other-evidence-which-may-be-offered.
- 4) Whether-or-not-a-request-is-made-during-discovery-an-Applicant-or Vendor-shall-be-entitled-to-any-exculpatory-evidence-in-the

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Department's possession which tends to support the Applicant or Vendor's position or which might impeach the credibility of a Department witness.

d) Upon a written request served on the Applicant or Vendor at any time after a notice or petition for hearing is filed or at any stage of the hearing, the Applicant or Vendor will be requested to produce documents, books, records or other evidence which relate directly to conduct of his Business Entity.

e) No other discovery shall be requested, allowed or exchanged unless consented to by all parties to the administrative hearings before the Department.

f) All discovery shall be completed prior to the start of the hearing unless consented to by all parties to the administrative hearings before the Department.

(Source: Repealed at 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.630 Form of Papers (Repealed)

a) All papers filed in any proceeding except exhibits shall be typewritten or printed. If typewritten the impression shall be on one side of the paper and long quotations shall be single spaced and indented. Mimeographed, multigraphed, hectographed, photostated papers, facsimile and the like shall be accepted as typewritten.

b) All papers except exhibits shall be cut or folded so as not to exceed a width of eight and one half inches (8-1/2") and a length of eleven (11) inches and shall have inside margins not less than one (1) inch wide. Whenever practical all exhibits of a documentary character shall conform to said requirements.

c) All pleadings, written motions or notices filed in the administrative proceeding shall be dated and signed in ink by the party filing the paper or his attorney.

d) Pleadings, written motions and notices shall contain the address of the party filing the paper or if represented by an attorney, the name and business address of such attorney.

(Source: Repealed at 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.635 Service (Repealed)

a) Notices under Section 672.615 shall be served either personally or by Certified Mail upon all parties or their agents appointed to receive service of process.

b) Service of pleadings or motions under Section 672.615 or Section 672.620 of this Part unless otherwise provided for in this Section shall be made by delivering in person transmitting by facsimile or by

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depositing it in the United States Mail properly addressed with postage prepaid, one copy to each party to the proceeding. When any party has appeared by attorney, service upon the attorney shall be deemed service upon such party.

e) Proof of service under subsection (b) shall be by certificate of attorney, affidavit or acknowledgment.

(Source: Repealed at 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.640 Pre-Hearing Conferences (Repealed)

a) A pre-hearing conference shall be scheduled by the Administrative Law Judge or the Department as a result of a request pursuant to subsection (b). (See Section 672.615(b)). This conference shall be held prior to the date of hearing and shall be for the purpose of considering:

1) the simplification of the issues;

2) amendments to the pleadings;

3) the possibility of obtaining admissions of fact and of documents which shall avoid unnecessary proof;

4) the limitation of the number of expert witnesses; and

5) any other matters which may aid in the disposition of the hearing.

b) After a pre-hearing conference the Administrative Law Judge shall make a report which recites any action taken by the Administrative Law Judge and any agreements made by the parties as to any of the matters considered and which specifies as the issues for hearing those not disposed of at the conference.

c) A certified stenographic reporter shall not be present at a pre-hearing conference unless one of the parties to the proceeding requests the Department to make arrangements for a court reporter to be present. Such request must be received by the Department at least two (2) working days in advance of the scheduled pre-hearing conference. The party requesting the presence of the court reporter shall be billed directly for the services of the reporter.

(Source: Repealed at 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.645 Conduct of Hearings (Repealed)

a) All hearings conducted in any proceedings shall be open to the public. Hearings shall be conducted by the Director or by an Administrative Law Judge appointed by the Director. If the Director conducts the

hearings any reference to this Part to the Administrative Law Judge shall be read to refer to the Director.

c) The Administrative Law Judge shall conduct hearings, administer

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- 4) that a witness be barred from testifying concerning that issue;
 5) that, as to claims or defenses asserted in any pleading to which that issue is material, a judgment by default be entered against the offending party or that his notice or petition suit be dismissed with or without prejudice or
 6) that any portion of his pleadings relating to that issue be stricken and judgment be entered as to that issue.

(Source: Repealed at 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.650 Subpoenas (Repealed)

- a) Subpoenas requiring the attendance and the giving of testimony by witnesses and subpoenas dues team requiring the production of books, papers, records or memoranda may be issued by the Director or the Administrative Law Judge upon his own motion or upon the written request of any party to the proceeding. The Director or the Administrative Law Judge may require the party requesting the issuance of subpoenas to demonstrate the relevancy of the request to the issues in the hearing.

- b) Subpoenas issued by the Director or the Administrative Law Judge upon the request of a party to the proceeding shall be delivered to the requesting party who shall be responsible for serving the subpoenas. Subpoenas shall be served personally, transmitted by facsimile or by Certified Mail.

- c) The witness fee for attendance and travel shall be the same as the fee of the witnesses before the Circuit Courts of this State. When a witness is subpoenaed by the Director or Administrative Law Judge upon his own motion or upon the request of the Department, the witness fee shall be the same as the fee of the witnesses before the Circuit Courts of the State and the travel expenses shall be paid in accordance with the State travel rules (60 Ill. Adm. Code 300.07).

(Source: Repealed at 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.655 Burden of Proof (Repealed)

- a) The burden of proof rests with the Department in its relation to all administrative actions initiated by the Department pursuant to Section 62-550.
 b) The burden of proof rests with the Applicant as to all administrative actions initiated upon a petition for hearing filed by an Applicant after the denial of authorization under Section 62-525.
 c) Each party who initiates an administrative action as indicated in Section 672-615(a) and (b) shall prove his case by a preponderance of the evidence.

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(Source: Repealed at 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.660 Administrative Law Judge's Report and Final Decision (Repealed)

- a) At the conclusion of a hearing at which the Director has not presided, the Administrative Law Judge shall make a report of the hearing with findings of fact and conclusions of law and recommendations, if any, to the Director. This report shall be accompanied by a transcript of the record, all exhibits admitted into evidence, copies of all pleadings and documents or evidence made a part of the record and any other material which is deemed to be a part of the record.
 b) The Director or designee shall review the entire record of administrative proceedings as set forth in Section 672-670 and shall issue a final order within ninety (90) calendar days of the receipt of the request for a hearing.
 c) The Director shall adopt a final decision in each case supported by concise findings of fact and appropriate conclusions of law. The decision and supporting findings of fact and conclusions of law shall be made a part of the official record of each hearing. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the finding.
 d) A copy of any decision or order of the Director shall be served personally or by Certified Mail or by registered mail upon all parties of record or their agents appointed to receive service.

(Source: Repealed at 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.665 Records of Proceedings (Repealed)

- a) A full and complete record shall be kept of all proceedings. The record shall consist of the following:
 1) all pleadings including all notices and responses thereto, motions and rulings;
 2) a transcript of the hearing, if any, and all evidence received;
 3) a statement of matters officially noticed;
 4) offers of proof, objections and rulings thereon;
 5) proposed findings and exceptions;
 6) any decision or opinion or report by the Administrative Law Judge;
 7) all staff memoranda or data submitted to the Administrative Law Judge or members of the Department in connection with their consideration of the case; and
 8) any communication published by Section 672-670, however such communications shall not form the basis for any finding of fact.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- b) Unless a party requests that the following documents be included in the record, the following shall be excluded from the record:
- 1) subpoenas?
 - 2) requests for subpoenas?
 - 3) cover letters?
 - 4) notices of filing or proofs of service and
 - 5) certificates of mailing for regular mail.

(Source: Repealed at 19 Ill. Reg. 606, effective JAN 09 1995)

Section 672.670 Miscellaneous (Repealed)

- a) Construction of Rules? This Part shall not be construed to abrogate, modify, or limit any rights, privileges, or immunities granted or protected by the Constitution or laws of the United States or the Constitution or laws of the State of Illinois. In case of any conflict between this Part and the IIA or the IIC, Vendor Management Act, the terms of the latter shall control. In case of any conflict between this Part and Article II of the Code of Civil Procedure or the Supreme Court practice rules, the terms of this Part shall control.
- b) Waiver? Compliance with any of the provisions of Subpart F of this Part or with any or all provisions of the IIA regarding Contested Cases may be waived by written stipulation of all parties.
- c) Jurisdiction? For the purpose of this Part, a pre-hearing conference shall be considered the first stage of a hearing.

(Source: Repealed at 19 Ill. Reg. 606, effective JAN 09 1995)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Demonstration Programs
- 2) Code Citation: 89 Ill. Adm. Code 170
- 3) Section Number: Emergency Action:
170.300 New Section

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)(305 ILCS 5/12-13)

- 5) Effective Date of Amendments: January 9, 1995

- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

- 7) Date Filed in Agency's Principal Office: January 9, 1995

- 8) Reason for Emergency: Recognizing that implementation of this demonstration program as promptly as possible will serve the public interest, the Department has determined that the use of emergency rulemaking is justified. Efforts to reduce truancy and to encourage children to remain in school will be less effective if implemented later in the school year and local agencies have urged prompt action by the Department. On that basis, the Department believes that the changes in this rulemaking that will support local educational agencies need to be in place sooner than the normal rulemaking process would allow. Any unnecessary delay will threaten the public interest by reducing the effectiveness of this demonstration program.

- 9) Complete Description of the Subjects and Issues Involved: These proposed amendments implement an administrative decision to support a pilot truancy prevention project with the South Chicago Chamber of Commerce.

The South Chicago Chamber of Commerce approached the Department interested in discussing ways of helping children stay in school and ultimately graduate. The Chamber's philosophy is that a healthy economic climate is built upon the development and successes of individuals in the community. To that end, the Chamber participates in a multi-member social service network, the Southeast Youth Network Panel, that takes a comprehensive view of the needs of the community and works to address those needs. This network is interested in working with families, on a pilot basis, to help remove barriers that are preventing children from regularly attending school. The approach has the potential to prevent or reduce truancy in later years. The Chamber has gained the support of four area schools for this pilot.

Chamber's proposal provides intervention and supportive services to the

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

family. If, however, a family does not cooperate with the services offered, thereby further jeopardizing the welfare of the child, the proposal then calls for the use of a protective payment tool to help facilitate the family's management of the situation. The rising truancy problem with all its future ramifications calls for aggressive yet realistic and productive measures.

In the majority of cases the pattern for future success or failure in school for a child is set very early. A child with high absenteeism in the third grade has a high likelihood of becoming a school dropout and turning to gang activity. Therefore, the goal of this pilot is to intervene at the earliest stage when these negative behaviors first appear and stop them before they become an ingrained part of the child's life.

The pilot would target up to 15 children at a time in grades 1 - 6 in four neighborhood schools: Thorpe, Sheridan, Sullivan and Los Ninos. Children who are beginning to demonstrate an absenteeism problem would be identified by designated school personnel. The following steps would then be taken:

- . If the situation warrants more intervention than the school can give, the school personnel would make a referral to the Southeast Youth Service Board.
- . The Board would refer the family to the appropriate community agency. If the child is a member of a family receiving Aid to Families with Dependent Children (AFDC), the agency would alert the local public aid office. The community agency would contact the family immediately to evaluate and implement appropriate services as quickly as possible. At the same time, public aid staff would contact the parent in writing to advise of the importance of cooperating with the community agency to improve the child's situation and of the possible consequences if they do not cooperate, i.e. that the community agency would be authorized to receive the family's AFDC check as a protective payee to further assist the family with planning and working through the barriers that are keeping the child from regular school attendance.

- . If the family does not cooperate with the community agency the AFDC case would be placed under protective payee with the community agency acting as the payee for the family's AFDC check. This would require that the family maintain contact with the community agency and facilitate receiving their cooperation in alleviating the situation causing the child's absence from school. Upon cooperation for at least 3 consecutive months, the parent would be resumed as the payee.

10) Are there any Proposed Amendments pending to this Part? No

11) Statement of Statewide Policy Objectives: These emergency amendments do

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

not affect units of local government.

- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 9: DEMONSTRATION PROGRAMS

PART 170
DEMONSTRATION PROGRAMS

SUBPART A: THE FRESH START
WELFARE REFORM DEMONSTRATION PROGRAM

Section

170.10 Youth Employment and Training Initiative
170.20 Paternal Involvement Project
170.30 Homeless Families Support Project
170.40 Family Responsibility Project
170.50 Income Budgeting Project

SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section

170.100 The Career Advancement Program
170.110 Career Advancement Experimental and Control Groups
170.120 Career Advancement Participation Requirements of Experimental Group Members
170.130 Career Advancement Supportive Services for Experimental Group Members

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section

170.200 Community Group Participation Program

SUBPART D: EARNED INCOME INITIATIVE

Sections

170.250 Work Pays Demonstration

SUBPART E: FAMILY DEVELOPMENT PLAN

170.300

Truancy Prevention Project

EMERGENCY

AUTHORITY: Implementing and authorized by Sections 11-20, 12-13 and 12-4.28 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 11-20, 12-13 and 12-4.28) [305 ILCS 5/11-20, 12-13 and 12-4.28].

SOURCE: Adopted at 13 Ill. Reg. 14067, effective August 23, 1989; amended at 14 Ill. Reg. 19320, effective November 30, 1990; amended at 17 Ill. Reg. 19197, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19721,

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3372, effective February 28, 1994; emergency amendment at 19 Ill. Reg. 645, effective January 9, 1995, for a maximum of 150 days.

SUBPART E: FAMILY DEVELOPMENT PLAN

Section 170.300 Truancy Prevention Project
EMERGENCY

- a) The Department is implementing a pilot program designed to improve children's attendance in elementary school.
- b) Participating schools will identify children who are beginning to show attendance problems and who receive AFDC. The schools will contact the families as an initial means to resolve the matter. If the families have problems the schools cannot address, they will be referred to a social service network for appropriate community agency or agencies services. The appropriate local public aid office will also be notified of these referrals.
- c) When a family referred under subsection (b) of this Section cooperates with the referral, a social service network representative will develop a service plan with the family, involving service provision by appropriate community agencies.
- d) The Department will also inform the family in writing of the importance of participating with the referral and with the service plan for the well-being of the child and the consequence of not participating in the service plan.
- e) Upon failure of the family to cooperate with the referral or with the service plan, the family will be placed under a Protective Payee with the community agency acting as the payee for the family's AFDC grant. The provisions of 89 Ill. Adm. Code 117.10 shall otherwise apply.
- f) Upon cooperation for at least three consecutive months, the Protective Payee plan will be discontinued.

(Source: Added at 19 Ill. Reg. 645, effective
JAN 09 1995)

NOTICE OF PUBLIC INFORMATION

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ACCEPTANCE OF AN APPLICATION
TEXAS FINANCIAL BANCORPORATION, INC. MINNEAPOLIS, MINNESOTA
TO ACQUIRE FULTON STATE BANK, FULTON, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957, 205 ILCS 10/3.071(d) (1992), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by Texas Financial Bancorporation, Inc., 3900 Dain Bosworth Plaza, Minneapolis, Minnesota, 55480 to acquire Fulton State Bank, 413 - 11th Avenue, Fulton, Illinois 61252.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to:

Dina A. Mansour
Commissioner of Banks and Trust Companies
310 South Michigan Ave.
Suite 2130
Chicago, Illinois 60604

NOTICE OF PUBLIC INFORMATION

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF ACCEPTANCE OF AN APPLICATION
TEXAS FINANCIAL BANCORPORATION, INC. MINNEAPOLIS,
MINNESOTA TO ACQUIRE MONMOUTH FINANCIAL SERVICES,
MINNEAPOLIS, MINNESOTA AND THEREBY ACQUIRE MONMOUTH
TRUST AND SAVINGS BANK, MONMOUTH, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957, 205 ILCS 10/3.071(d) (1992), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by Texas Financial Bancorporation, Inc., 3900 Dain Bosworth Plaza, Minneapolis, Minnesota, 55480 to acquire Monmouth Trust and Savings Bank, 100 South Main Street, Monmouth, Illinois 61462.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to:

Dina A. Mansour
Commissioner of Banks and Trust Companies
310 South Michigan Ave.
Suite 2130
Chicago, Illinois 60604

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

THE UNIFORM PENALTY AND INTEREST ACT

1. Statute requiring agency to publish information concerning interest rate information in the Illinois Register:

Name of Act: The Uniform Penalty and Interest Act
Citation: 35 ILCS 735/3-1 et seq.

2. Summary of information:

Section 3-2(a) of the Uniform Penalty and Interest Act provides that interest paid by the Department of Revenue and interest charged to taxpayers by the Department shall be paid at the annual rate determined by the Department. That rate is the underpayment rate established under Section 6621 of the Internal Revenue Code.

Section 3-2(b) of the UPIA states that the interest rate shall be adjusted on a semiannual basis, on January 1 and July 1, based upon the underpayment rate going into effect on that January 1 or July 1 under Section 6621 of the Internal Revenue Code.

Recently, in Revenue Ruling 94-78 (Internal Revenue Bulletin No. 1994-51, 12/19/94), the Internal Revenue Service announced that the underpayment rate will be 9% for the period beginning January 1, 1995. Therefore, the interest rate paid by the Illinois Department of Revenue and the interest rate charged to taxpayers by the Illinois Department of Revenue will be 9% from January 1, 1995 through June 30, 1995.

3. Name and address of person to contact concerning this information:

Keith Staats
Senior Counsel - Income Tax
Office of the General Counsel
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-6336

COMPTROLLER

REGULATORY AGENDA

- 1) Heading of the Part: Contract Content

- 2) Code Citation: 74 Ill. Adm. Code 290

- 3) A description of the rule(s): The Comptroller's Contract Content rules describe all certifications and other restrictions on Vendors contracting with the State. The rules cover all professional and artistic contracts, leases for real and personal property, construction contracts and purchase orders. As the Illinois General Assembly enacts additional laws relating to certifications to be made by all entities contracting with the State, the Contract Content rules must be amended to reflect the statutory changes.

- 4) Statutory Authority: 15 ILCS 405/21.

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The public will be invited to comment on the rules throughout the regular rulemaking procedure. The Comptroller's office does not anticipate holding any separate public hearing on the Contract Content rules.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Approximately March 15, 1995.

- 7) Information concerning the regulatory agenda shall be directed to:

Kim L. Kirn
Assistant Legal Counsel
Office of the Comptroller
201 State Capitol
Springfield, IL 62706
(217) 782-5328

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? The rules implement statutory changes made by the Illinois General Assembly; the statutory changes may affect small businesses or not for profit corporations contracting with the State.

- 9) Other pertinent information concerning this rule (amendment, repealer): Not applicable.

COMPTROLLER

REGULATORY AGENDA

- 1) Heading of the Part: Illinois Funeral or Burial Funds Act
- 2) Code Citation: 38 Ill. Adm. Code 610
- 3) A description of the rule(s): The Comptroller's office regulates funeral and burial licensees under the Illinois Funeral or Burial Funds Act (the "Act"). Pursuant to the Act, all persons, including independent insurance producers, selling pre-need funeral contracts funded by trusts, life insurance policies or tax-deferred annuities must be licensed by the Comptroller's office. The rules implement the statutory changes and describe certain forms to be used by all licensees.
- 4) Statutory Authority: 225 ILCS 45/1 et seq.
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The public will be invited to comment on the rules throughout the regular rulemaking procedure. Moreover, the Comptroller's office held a public hearing on the proposed rules on December 13, 1994 and does not anticipate holding any additional public hearings on the funeral or burial funds rules.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: The Notice of Proposed Rules has already been submitted and published in the Illinois Register. We anticipate filing the Notice of Adopted Rules on approximately February 1, 1995.

Kim L. Kirn
Assistant Legal Counsel
Office of the Comptroller
201 State Capitol
Springfield, IL 62706
(217) 782-5328
- 7) Information concerning the regulatory agenda shall be directed to:

Mr. Britt Hagen
4500 South Sixth Street Road
Springfield, Illinois 62703
(217) 786-7001
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? The rules implement statutory changes made by the Illinois General Assembly; the statutory changes may affect small funeral home and cemetery owners and independent insurance producers.
- 9) Other pertinent information concerning this rule (amendment, repealer): Not applicable.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

REGULATORY AGENDA

- 1) Heading of Part: Data Collection
- 2) Code Citation: 77 Ill. Adm. Code 2510
- 3) A description of the rule(s): Rules outline specific hospital financial data elements to be reported to IHCCCC, definitions of those elements and method and format in which they are to be submitted. Essentially revises current rules to conform to revised legislation, which in turn reflects new hospital auditing requirements.
- 4) Statutory Authority: Implementing Sec. 2 of Art. IV and authorized by Sec. 2-3 of Art. II of the Ill. Health Finance Reform Act (20 ILCS 2215/2-3).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: N/A
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: January 22, 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Mr. Britt Hagen
4500 South Sixth Street Road
Springfield, Illinois 62703
(217) 786-7001
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? The rule will primarily affect hospitals. However, the new rules should reduce the effort required to comply with current rules as they more closely reflect industry standards, standard terminology and definitions widely used in the industry.
- 9) Other pertinent information concerning this rule (amendment, repealer): Revised legislation and rules were developed in coordination with hospital industry. New rules parallel the reporting terminology and format now in use broadly within the industry.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

REGULATORY AGENDA

- 1) Heading of Part: Hospital Price Information
- 2) Code Citation: 77 Ill. Adm. Code 2530
- 3) A description of the rule (s): Rules address the annual reporting of prices for selected hospital inpatient and outpatient services and procedures to Council. Revises services and procedure to be reported, method of reporting and reporting timelines.
- 4) Statutory Authority: Implementing Sec. 4-4 of Art. IV and authorized by Sec. 2-3 of Art. II of the Illinois Health Finance Reform Act (20 ILCS 2215/4-4).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: N/A
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: February 24, 1995.
- 7) Information concerning this regulatory agenda shall be directed to:

Mr. Britt Hagen
4500 South Sixth Street Road
Springfield, Illinois 62703
(217) 786-7001
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Rule will primarily affect hospitals. No new burdens are being added, however. Primarily involves updating to conform with current practices.
- 9) Other pertinent information concerning this rule (amendment, repealer):
Rules were developed in coordination with hospital industry.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

REGULATORY AMENDMENT

- 1) Heading of Part: Penalties
- 2) Code Citation: 77 Ill. Adm. Code 2540
- 3) A description of the rule (s): Rules outline penalties applicable to entities violating the provisions of the Illinois Health Finance Reform Act or rules promulgated to implement the law.
- 4) Statutory Authority: Implementing Article V and authorized by Section 2-3 of Article II of Ill. Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 6505-1 to 6505-2 and par. 2502-3) [20 ILCS 2215/5-1 to 5-2 and 5-3]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: N/A
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: February 24, 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Mr. Britt Hagen
4500 South Sixth Street Road
Springfield, Illinois 62703
(217) 786-7001
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Hospitals and other entities doing business with the Council would be affected, but only if law and/or rules were violated.
- 9) Other pertinent information concerning this rule (amendment, repealer):
Rules to be revised in conformance with revised legislation. Designed to protect confidentiality of patients, providers and others; and to ensure integrity of data base. Legislation developed in coordination with industry.

DEPARTMENT OF INSURANCE

REGULATORY AGENDA

- 1) Heading of the Part: Minimum Standards for Individual and Group Medicare Supplement Insurance
- 2) Code Citation: 50 Ill. Adm. Code 2008
- 3) A description of the amendment: The Department will be amending Part 2008 to implement the federal requirements pursuant to P.L. 103-432 concerning open enrollment, loss ratio provisions, duplication of coverage, agent compensation, Medicare Select and mailing provisions.
- 4) Statutory Authority: [215 ILCS 5/363, 363a, and 401]
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: June, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Name: Denise Fuchs, Paralegal
 Address: Department of Insurance
 320 West Washington Street
 Springfield, Illinois 62767
 Telephone: (217) 785-8560
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? The amendments to the Section concerning agent compensation will have an affect on insurance producers.
- 9) Other pertinent information concerning this amendment:

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: Administrative and Judicial Review
- 2) Code Citation: 62 Ill. Adm. Code 1847
- 3) A description of the rule(s): Section 1847.3 sets forth administrative review provisions for various types of proceedings. Its title will be revised to reflect its content. Clarifying language will be added and subsection (1)(2) amended in response to the Office of Surface Mining Reclamation and Enforcement's requirement at 58 Fed. Reg. 46852 (September 3, 1993). Additional revisions to this Part may be proposed after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); (225 ILCS 720).
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Karen Jacobs, Legal Counsel
 Illinois Department of Mines and Minerals
 300 West Jefferson, Suite 300
 P.O. Box 10137
 Springfield, IL 62791-0137
 (217) 782-6791
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations
- 2) Code Citation: 62 Ill. Adm. Code 1800
- 3) A description of the rule(s): Section 6.01 of the Surface Coal Mining Land Conservation and Reclamation Act, 225 ILCS 720/6.01, was recently amended to allow the Department to accept an applicant's bond, without separate surety, when the applicant has a history of solvency and designates a suitable agent for service of process (self-bonding). Part 1800 will be amended to implement this statutory self-bonding provision. Sections 1800.5 and 1800.21 will be amended to allow the Department to accept letters of credit from national charter banks and banks organized in other states that are not authorized to operate in Illinois, under certain conditions. Revisions necessary to make these rules consistent with their federal counterparts will also be proposed. Additional revisions to this Part may be necessary after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137
(217) 782-6791
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: Civil Penalties
- 2) Code Citation: 62 Ill. Adm. Code 1845
- 3) A description of the rule(s): Section 1845.12 addresses the assessment of civil penalties for notices of violation and cessation orders. Subsection (d) will be amended in order to address the Office of Surface Mining Reclamation and Enforcement's disapproval of the current rule at 58 Fed. Reg. 46851 (September 3, 1993). Additional revisions to this Part may be proposed after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137
(217) 782-6791
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: Department Inspections
- 2) Code Citation: 62 Ill. Adm. Code 1840
- 3) A description of the rule(s): Section 1840.17 sets forth provisions for informal review of decisions not to inspect or enforce. A 30 day time limit within which to request review of the Department's decision not to inspect or enforce where a citizen's request for state inspection has been received will be proposed. Statutory and regulatory references will be corrected and/or updated. Additional revisions to this Part may be necessary after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137
(217) 782-6791
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: General
- 2) Code Citation: 62 Ill. Adm. Code 1700
- 3) A description of the rule(s): Section 1700.11 sets forth the applicability of 62 Ill. Adm. Code 1700 through 1850 to coal exploration and mining activities. Statutory and regulatory citations are proposed to be updated. Sections regarding termination of jurisdiction are proposed to be added to mirror federal counterpart rules. Additional revisions to this Part may be necessary after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137
(217) 782-6791
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: General Definitions
- 2) Code Citation: 62 Ill. Adm. Code 1701
- 3) A description of the rule(s): Some of the definitions will be amended for clarity and consistency with federal counterpart regulations.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Karen Jacobs, Legal Counsel
 Illinois Department of Mines and Minerals
 300 West Jefferson, Suite 300
 P.O. Box 10137
 Springfield, IL 62791-0137
 (217) 782-6791
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: General Rules Relating to Procedure and Practice
- 2) Code Citation: 62 Ill. Adm. Code 1848
- 3) A description of the rule(s): Section 2.11 of the Surface Coal Mining Land Conservation and Reclamation Act, 225 ILCS 720/2.11, was recently amended to require that notices of permit hearings be published in accordance with certain specifications. Section 1848.5 will be amended to implement this statutory amendment. Additional revisions to this Part may be proposed after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
 Karen Jacobs, Legal Counsel
 Illinois Department of Mines and Minerals
 300 West Jefferson, Suite 300
 P.O. Box 10137
 Springfield, IL 62791-0137
 (217) 782-6791
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: Permanent Program Performance Standards--Surface Mining Activities
- 2) Code Citation: 62 Ill. Adm. Code 1816
- 3) A description of the rule(s): Part 1816 sets forth performance standards for surface mining operations. Various sections within Part 1816 will be amended to make the rules consistent with and no more stringent than federal counterpart regulations, to implement recent changes to the Surface Coal Mining Land Conservation and Reclamation Act, 225 ILCS 720/3.15, to address recommendations of the Department's Surface Mining Advisory Council and the Governor's Water Resources and Land Use Priorities Task Force, to address concerns and directives of the Office of Surface Mining Reclamation and Enforcement and to reflect the Department's experience with revegetation on mined lands and mining, reclamation and the Illinois regulatory program in general. Section 1816.Appendix A contains the Agricultural Lands Productivity Formula (ALPF) which will be amended to establish more accurate and equitable targets and target requirements. Additional revisions to this Part may be necessary after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
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- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None °

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: Permanent Program Performance Standards--Underground Mining Activities
- 2) Code Citation: 62 Ill. Adm. Code 1817
- 3) A description of the rule(s): Part 1817 sets forth performance standards for underground mining operations. Various sections within Part 1817 will be amended to make the rules consistent with and no more stringent than federal counterpart regulations, to implement recent changes to the Surface Coal Mining Land Conservation and Reclamation Act, 225 ILCS 720/3.15 and to the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et. seq., to accommodate the distinct differences between surface and underground mines, to address recommendations of the Department's Surface Mining Advisory Council and the Governor's Water Resources and Land Use Priorities Task Force, to address concerns and directives of the Office of Surface Mining Reclamation and Enforcement and to reflect the Department's experience with revegetation on mined lands and mining, reclamation and the Illinois regulatory program in general. Additional revisions to this Part may be necessary after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
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 (217) 782-6791
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: Permit Applications--Minimum Requirements for Legal, Financial, Compliance, and Related Information
- 2) Code Citation: 62 Ill. Adm. Code 1778
- 3) A description of the rule(s): Section 1778.15 sets forth right of entry information requirements for permit applications. The requirement that underground coal mine operators document their legal right to enter and mine will be proposed for elimination since no corresponding federal requirement exists. A new subsection requiring underground mine operators to certify that necessary mining rights will be obtained prior to mining will be proposed. Additional revisions to this Part may be necessary after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
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- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: Requirements for Coal Exploration
- 2) Code Citation: 62 Ill. Adm. Code 1772
- 3) A description of the rule(s): Part 1772 sets forth requirements for coal exploration. Section 1772.11(b)(5) will be amended in order to clarify that specific forms are required to be submitted with a coal exploration notice only if such forms are required by the Department's Oil and Gas Division. The revision is necessary because certain activities considered to be coal exploration by the Department do not require the submittal of forms to the Oil and Gas Division. Section 1772.12(d)(2) will be amended to correct the wording of the regulation and make it consistent with its federal counterpart and for clarity purposes. Additional revisions to this Part may be necessary after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
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- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENCY

- 1) Heading of the Part: Requirements for Permits for Special Categories of Mining

- 2) Code Citation: 62 Ill. Adm. Code 1785

- 3) A description of the rule(s): Section 1785.17 sets forth requirements for mining prime farmland, and will be proposed to be amended to more closely mirror corresponding federal regulations. Counterpart federal regulations place no acreage limit on the amount of exempted prime farmland. In addition, federal regulations do not require a preliminary exemption review, which places unnecessary administrative burdens on the Department. The proposed changes will be consistent with and as effective as counterpart federal regulations.

Section 1785.23 sets forth application and approval requirements for minor underground mine facilities not at or adjacent to the processing or preparation facility or area. Subsection (e) will be proposed to be amended to give the Department the flexibility to require modifications to minor underground facilities applications. In addition, the time limit for the Department's decision will be proposed to be extended from ten to twenty days.

Subsection (g)(1) will be proposed to be amended to require the Department to notify persons who filed comments or objections to the application of its final decision thereon. The word "disapprove" will be replaced with "deny" in order to be consistent with other sections of the regulations dealing with approval and denial of applications. In addition, the requirement in subsection (g)(1) that the Department publish a public notice of its final action for underground mine facilities will be proposed for elimination. The requirement is unnecessary because local government officials are notified, and under the proposed amendments all persons who filed comments or objections will be notified. The public notice requirement originated in the initial federal program and was subsequently removed therefrom. The regulatory citation in subsection (g)(2) will be proposed to be corrected. Additional revisions to this Part may be necessary after further review.

- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].

- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENCY

- 1) Heading of the Part: Requirements for Permits and Permit Processing

- 2) Code Citation: 62 Ill. Adm. Code 1773

- 3) A description of the rule(s): Part 1773 contains requirements for permits and permit processing. Section 1773.15(a)(1) will be proposed for amendment in response to the Office of Surface Mining Reclamation and Enforcement's indication that revision would be necessary in order to make the regulation consistent with its federal counterpart. Additional revisions to this Part may be necessary after further review.

- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].

- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995

- 7) Information concerning this regulatory agenda shall be directed to:

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Springfield, IL 62791-0137
(217) 782-6791

- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No

- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

31, 1995

7) Information concerning this regulatory agenda shall be directed to:

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8) Will this amendment affect small business, small municipalities or not for profit corporations? No9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

1) Heading of the Part: Restriction on Financial Interests of State Employees2) Code Citation: 62 Ill. Adm. Code 17053) A description of the rule(s): Citations will be updated. Additional revisions to this Part may be necessary after further review.4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 19957) Information concerning this regulatory agenda shall be directed to:

Karen Jacobs, Legal Counsel
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Springfield, IL 62791-0137
(217) 782-6791

8) Will this amendment affect small business, small municipalities or not for profit corporations? No9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: Revision; Renewal; and Transfer, Assignment or Sale of Permit Rights
- 2) Code Citation: 62 Ill. Adm. Code 1774

3) A description of the rule(s): Section 1774.13 contains provisions for permit revisions. Section 1774.13(b)(2)(E) currently requires a significant revision for land use changes involving greater than 5% of the original total permit acreage. The size of a permit can change from the original total acreage by the addition of incidental boundary revisions. Since land use changes addressed by the current rule do not require public review and comment, the 5% limit was established to prevent permittees from making large scale land use changes without having afforded the public the opportunity for reviewing and commenting on the proposed changes prior to approval, as required for significant revisions.

A new subsection will be proposed which would allow the cumulation of the 5% limit to restart upon issuance of a significant revision that addressed all previous land use changes approved via insignificant revisions, i.e. without the benefit of public review and comment. Thus, the permittee would be allowed to take advantage of the provision for insignificant land use changes for the life of the permit, but changing more than 5% of the permit area without giving the public an opportunity for review and comment would not be allowed. By allowing the incidental boundary revisions that have been addressed in a subsequent significant revision to be considered as part of the original permit acreage, permittees will be afforded the opportunity to use the insignificant land use revision provisions for all the acres under permit that have gone through the public review and comment process, while the public will be protected from having land use changes on more than 5% of a permit without their having an opportunity for review and comment.

A new subsection regarding incidental boundary revision application notice and comment will be proposed in response to the Office of Surface Mining Reclamation and Enforcement's August 5, 1993 30 CFR 732 letter. Additional revisions to this Part may be necessary after further review.

- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].

5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

31, 1995

- 7) Information concerning this regulatory agenda shall be directed to:

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Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137
(217) 782-6791

- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No

- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: Small Operator Assistance
- 2) Code Citation: 62 Ill. Adm. Code 1795
- 3) A description of the rule(s): Section 2.02 and 3.15 of the Surface Coal Mining Land Conservation and Reclamation Act, 225 ILCS 720/2.02 and 3.15, were recently amended to require the Department to provide assistance to operators, to the extent required under federal law, when probable total annual coal production will not exceed 300,000 tons. The amendments also provided that the operator would reimburse the Department for the cost of services rendered when the operator's annual production of coal for all locations exceeds 300,000 tons during the 12 months following the issuance of the permit. Further, statutory changes expanded eligibility to information not previously eligible for reimbursement. Part 1795 will be proposed to be amended in order to implement these statutory changes, consistent with counterpart federal regulations at 59 Fed. Reg. 28168 (May 31, 1994). Additional revisions to this Part may be necessary after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
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Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137
(217) 782-6791
- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: Special Permanent Program Performance Standards--Operations on High Capability Lands
- 2) Code Citation: 62 Ill. Adm. Code 1825
- 3) A description of the rule(s): Section 1825.14 sets forth soil replacement requirements for high capability lands and will be revised to provide additional methods for the Department to evaluate excessive compaction. The section will also be revised to waive the requirement for a compaction alleviation plan in specified instances. Provisions for retaining sufficient bond to ensure that adequate funds are available for augmentation will be moved to this Part from Part 1816. Additional revisions to this Part may be necessary after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
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- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: State Enforcement
- 2) Code Citation: 62 Ill. Adm. Code 1843
- 3) A description of the rule(s): Section 1843.13 addresses suspension and revocation of permits, and will be amended to be consistent with its federal counterpart. A new section will be proposed which will provide a logical point for terminating enforcement action in accordance with existing Departmental policy. Additional revisions to this Part may be proposed after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
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- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: Surface Mining Permit Applications--Minimum Requirements for Information on Environmental Resources
- 2) Code Citation: 62 Ill. Adm. Code 1779
- 3) A description of the rule(s): Section 1779.22, which sets forth land use information to be included in a permit application, will be proposed for repealer and will be reorganized in Part 1780, consistent with federal rule changes at 59 Fed. Reg. 27932 (May 27, 1994). Redundant subsections in Section 1779.25 will be deleted and the section reorganized, consistent with federal rule changes at 59 Fed. Reg. 27932 (May 27, 1994). Additional revisions to this Part may be necessary after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
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- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: Surface Mining Permit Applications--Minimum Requirements for Reclamation and Operation Plan
- 2) Code Citation: 62 Ill. Adm. Code 1780
- 3) A description of the rule(s): Section 1780.23 sets forth reclamation plan requirements and is being reorganized and amended for consistency with federal counterpart rules at 59 Fed. Reg. 27932 (May 27, 1994). Additional revisions to this Part may be necessary after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
- 7) Information concerning this regulatory agenda shall be directed to:

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- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: The Illinois Explosives Act
- 2) Code Citation: 62 Ill. Adm. Code 200
- 3) A description of the rule(s): 62 Ill. Adm. Code Part 200 contains regulations implementing the Illinois Explosives Act, 225 ILCS 210, and applies to the storage, use, acquisition, possession, disposal and transfer of explosive materials. Various sections within Part 200 will be amended and reorganized for purposes of updating, clarification, addressing issues and situations which are not currently covered in the rules, but need to be, and generally attempting to ensure that explosive materials are handled and stored appropriately, safely and securely.
- 4) Statutory Authority: Implementing and authorized by the Illinois Explosives Act (225 ILCS 210).
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: April 1, 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Karen Jacobs, Legal Counsel
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300 West Jefferson, Suite 300
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Springfield, IL 62791-0137
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- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: Training, Examination and Certification of Blasters
- 2) Code Citation: 62 Ill. Adm. Code 1850
- 3) A description of the rule(s): Various stylistic changes, corrections and updates will be proposed in this Part. An amendment will be proposed which would allow notification of examinations to be done by telephone in those cases where written notice is not possible within the time currently specified. The deadlines for receipt and review of applications will be shortened. Redundancies in the rules will be corrected. Additional revisions to this Part may be proposed after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
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- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: Underground Mining Permit Applications--Minimum Requirements for Information on Environmental Resources
- 2) Code Citation: 62 Ill. Adm. Code 1783
- 3) A description of the rule(s): Section 1783.22, which sets forth land use information to be included in an underground mining permit application, will be proposed for repeal and will be reorganized in Part 1784, consistent with federal rule changes at 59 Fed. Reg. 27932 (May 27, 1994). Redundant subsections in Section 1783.25 will be deleted and the section reorganized, consistent with federal rule changes at 59 Fed. Reg. 27932 (May 27, 1994). Additional revisions to this Part may be necessary after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995
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- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

DEPARTMENT OF MINES AND MINERALS

REGULATORY AGENDA

- 1) Heading of the Part: Underground Mining Permit Applications--Minimum Requirements for Reclamation and Operation Plan
- 2) Code Citation: 62 Ill. Adm. Code 1784
- 3) A description of the rule(s): Section 1784.15 sets forth underground mining reclamation plan requirements and will be reorganized and amended for consistency with federal counterpart rules at 59 Fed. Reg. 27932 (May 27, 1994). Additional revisions to this Part may be necessary after further review.
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.); [225 ILCS 720].
- 5) Schedule of dates for hearings, meetings or other opportunities for public participation: Written comments may be submitted within 45 days after publication of the proposed amendments. A public hearing will be held if requested.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: January 31, 1995

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- 8) Will this amendment affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this amendment: None

POLLUTION CONTROL BOARD

REGULATORY AGENDA

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) A description of the rulemaking:

The Board has reserved docket R95-2 to accommodate U.S. EPA amendments to the federal clean air regulations defining exemptions from the definition of volatile organic compound (volatile organic material or VOM) that occurred during the period July 1 to December 31, 1994. As of this time, the Board is aware of the following cited federal amendments to the definition of volatile organic compound that may prompt Board action in this proceeding:

59 Fed. Reg. 50693, October 5, 1994
- 4) Statutory Authority: Sections 9, 9.1, 10, and 27 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10 and 27] (Act).
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:

Section 9.1(e) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Because Title VII of the Act does not apply, the Board does not presently intend to schedule public hearings in this matter. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register:

The Board cannot project an exact date for publication at this time. However, Section 7.2(b) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date is July 1, 1995. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.
- 7) Information concerning this regulatory agenda shall be directed to:

Address questions concerning this regulatory agenda to Michael J. McCambridge, at 312-814-6924.

POLLUTION CONTROL BOARD

REGULATORY AGENDA

Address written comments concerning the substance of the rulemaking, noting docket number R95-2, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

- 8) Will these amendments affect small business, small municipalities or not for profit corporations?

This rulemaking will affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities' activities make them subject to the air pollution control provisions of the Act and Board regulations. Historically, however, federal amendments to exemptions from the definition of volatile organic material have expanded the exemption and, consequently, narrowed the scope of regulated activities.

- 9) Other pertinent information concerning these amendments:

Any federal amendments to the SDWA program could also cause the Board to amend other Parts in 35 Ill. Adm. Code: Subtitle A.

POLLUTION CONTROL BOARD

REGULATORY AGENDA

- 1) Heading of the Part: Toxic Air Contaminants

- 2) Code Citation: 35 Ill. Adm. Code 232

- 3) A description of the rule(s): The rules proposed October 6, 1994 by the Illinois Environmental Protection Agency (Agency) in Docket R90-1(D) seek to amend the Toxic Air Contaminant List set forth in 35 Ill. Adm. Code 232. Appendix A by adding those chemicals listed as "Hazardous Air Pollutants" under Section 112(b) of the Clean Air Act, as amended in 1990 [42 U.S.C. 7401 et seq.], and those chemicals or substances targeted by the Great Lakes Commission or under the United States Environmental Protection Agency's "Great Waters" program under Section 112(m) of the Clean Air Act, as amended in 1990 [42 U.S.C. 7401 et seq.]. The Illinois Pollution Control Board (Board) has not made a judgment on the merits of this proposal, and will not do so until after conducting a hearing and receiving written public comment.

- 4) Statutory Authority: Sections 9.5 and 27 of the Environmental Protection Act [415 ILCS 5/9.5 and 27].

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: There are no dates for public hearings. However, the public may file written comments with the Clerk of the Board at James R. Thompson Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. Additionally, the public may contact the Clerk's office at 312-814-3620 to be added to the Notice List (which will insure notice of scheduling of any hearings in this matter). Please specify Docket R90-1(D).

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: Summer, 1995.

- 7) Information concerning this regulatory agenda shall be directed to:

Charles Feinen
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-3473

- 8) Will these amendments affect small business, small municipalities or not for profit corporations? Any which emit any of the chemicals or substances that would be newly listed may be affected.

- 9) Other pertinent information concerning these amendments: The contact person at the Agency concerning this proposal is:

POLLUTION CONTROL BOARD

REGULATORY AGENDA

Laurel L. Kroack
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-524-3333

POLLUTION CONTROL BOARD

REGULATORY AGENDA

- 1) Heading of the Part: Visible and Particulate Emissions
- 2) Code Citation: 35 Ill. Adm. Code 212
- 3) A description of the rule(s): Indian Refining Limited Partnership has submitted a site-specific regulatory proposal that would amend 35 Ill. Adm. Code 212.Subpart B by adding a site-specific standard for opacity of emissions and emission rate of particulate matter for the petroleum refinery in Lawrenceville, Illinois. The proposed standard would establish an opacity limitation of not more than three six-minute periods above 30% opacity in any one-hour period.
- 4) Statutory Authority: Sections 10 and 27 of the Environmental Protection Act [415 ILCS 5/10 and 27].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: No hearings have yet been scheduled in this matter, which has been docketed as R94-29. In the matter of: Petition of Indian Refining Limited Partnership for a site-specific Rule. The Board anticipates scheduling at least one public hearing in the first quarter of 1995. Interested persons may contact the hearing officer listed in item 7, to be added to the notice list for R94-29 (which will insure notice of any hearings scheduled in this matter, and receipt of any proposal which the Board adopts for first notice publication. In addition, written comments may be directed to the Clerk of the Board at James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago IL 60601; please specify Docket R94-29.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments for publication in the Illinois Register: A Notice of Proposed Amendments may appear in the Register in Summer 1995, if the Board chooses to proceed to First Notice.
- 7) Information concerning this regulatory agenda shall be directed to:

Kevin G. Desharnais, Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
- 8) Will these amendments affect small businesses, small municipalities or not-for-profit corporations? The Board anticipates that small businesses, small municipalities, and not-for-profit corporations will not be affected by this rule.
- 9) Other pertinent information concerning these amendments: None.

DEPARTMENT OF PROFESSIONAL REGULATION

REGULATORY AGENDA

1) Heading of the Part: Clinical Psychologist Licensing Act

2) Code Citation: 68 Ill. Adm. Code 1400

3) A description of the amendment(s): The Department anticipates modifying the psychology rules relating to experience requirements for licensure as a clinical psychologist.

4) Statutory Authority: 225 ILCS 15

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: No hearings or meetings have been scheduled at this time.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Unknown

7) Information concerning this regulatory agenda shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
(217) 785-0800 Fax: (217) 782-7645

8) Will this rule (amendment, repeal) affect small business, small municipalities or not-for-profit corporations? Yes, licensed clinical psychologists.

9) Other pertinent information concerning this rule (amendment, repeal):
None

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

1) Heading of the Part: AIDS Drug Reimbursement Program

2) Code Citation: 77 Ill. Adm. Code 692

3) A Description of the Rules: Section 692.10 of this Part will be revised to specify classes or categories of drugs (e.g., antiretrovirals) instead of listing specific approved drugs. The rationale for this change is that new therapies are constantly being approved and this rule change will allow the Department to add newly FDA-approved drugs in the listed categories as they become available. This will significantly decrease the amount of time between approval of a new drug and its availability through the AIDS Drug Reimbursement Program.

4) Statutory Authority: Implementing Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 USC 300ff, as amended by Public Law 101-381, effective August 18, 1990) and authorized by Section 55.41 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.41].

5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: These rules will be presented to the State Board of Health for review prior to being proposed. Public hearings will be scheduled upon request or as determined to be necessary following the publication of the proposed rulemaking in the Illinois Register.

6) Date Agency Anticipates Submitting to the Index Department a Notice of Proposed Amendments for Publication in the Illinois Register: Approximately two weeks after the March 9, 1995 State Board of Health meeting.

7) Information Concerning this Regulatory Agenda shall be Directed to:

Gail DeVito
Division of Governmental Affairs
Illinois Department of Public Health
535 W. Jefferson St.
5th Floor
Springfield, Illinois 62761

8) Will this Amendment Affect Small Business, Small Municipalities or Not-for-Profit Corporations? No

9) Other Pertinent Information Concerning this Amendment: The Department has had to amend these rules three (3) times since 1991 for the purpose of adding additional or newly approved drugs in response to changes in therapeutic approaches to HIV disease. The rulemaking proposed in this regulatory agenda should eliminate the need for repeated amendments to this Part.

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

1) Heading of the Part:

Assessing Laboratory Fees for Toxicologic Analysis

2) Code Citation:

77 Ill. Adm. Code 475

3) Description of the Rule(s):

This rule established the fee charged by the Department's laboratory for toxicologic analysis and provided procedures for billing and payment of these fees. The proposed rulemaking will expand the number of laboratory analyses for which the Department charges fees and establish the new fees.

4) Statutory Authority:

Implementing and authorized by Section 55.09 of The Civil Administrative Code of Illinois [20 ILCS 2310/55.09].

5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation:

No hearings or meetings are scheduled at this time; however, a hearing will be scheduled at the time the proposed rulemaking is submitted to the Index Department for publication in the Illinois Register.

6) Date Agency Anticipates Submitting to the Index Department a Notice of Proposed Amendments for Publication in the Illinois Register:

February 1, 1995

7) Information Concerning this Regulatory Agenda shall be Directed to:

Dave King
Office of Health Protection
Illinois Department of Public Health
525 W. Jefferson, Springfield, IL 62761
Telephone: (217) 782-3984

8) Will this Rulemaking Affect Small Business, Small Municipalities or Not-for-Profit Corporations?

This proposed amendment could affect local health departments, Department grantees, or any other entity that currently submits specimens/samples to the Department's laboratory for free analysis.

9) Other Pertinent Information Concerning this Amendment:

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An emergency rulemaking amending this part was promulgated in October 1994. This proposed amendment will incorporate the changes contained in the emergency rulemaking, which added one new laboratory fee, as well as add additional fees.

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REGULATORY AGENDA

- 1) Heading of the Part: Child Health Examination Code

- 2) Code Citation: 77 Ill. Adm. Code 665

3) A Description of the Rule(s): The proposed amendments would clarify the immunization requirements for children entering school, especially those entering school below the kindergarten or first grade level (e.g., nursery school, preschool, headstart or other child care programs operated by elementary school systems or secondary level units or institutions of higher education). The amendments would also revise the age specific requirements for measles and polio vaccinations.

- 4) Statutory Authority: Section 27-8.1 of the School Code [105 ILCS 5/27-8.1].

5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: These rules will be presented to the State Board of Health for review prior to being proposed. Public hearings will be scheduled upon request or as determined to be necessary following the publication of the proposed rulemaking in the Illinois Register.

- 6) Date Agency Anticipates Submitting to the Index Department a Notice of Proposed Rulemaking for Publication in the Illinois Register: April 1, 1995.

- 7) Information Concerning this Regulatory Agenda shall be Directed to:

Gail DeVito
Administrative Rules Coordinator
Illinois Department of Public Health
535 West Jefferson
Springfield, Illinois 62761
(217) 782-6187

- 8) Will this Rulemaking Affect Small Businesses, Small Municipalities or Not-For-Profit Organizations: No

9) Other Pertinent Information Concerning this Rulemaking: The specific immunization requirements contained within the Immunization Code (77 Ill. Adm. Code 695) for children entering school below the kindergarten or first grade level are frequently misinterpreted. The intent of these proposed amendments is to clarify the language concerning the immunization requirements of the Immunization Code for this group of children and to revise the measles and polio immunization requirements to be consistent with the recommendations of the Advisory Committee on Immunization Practices (ACIP) of the U.S. Public Health Service.

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- 1) Heading of the Part: College Immunization Code

- 2) Code Citation: 77 Ill. Adm. Code 694

3) A Description of the Rule(s): The proposed amendments would modify the college immunization code by excluding from the definition of a "post-secondary educational institution" those public colleges and universities that do not provide on-campus housing for its students. The definition of "post-secondary educational institutions" specifies which colleges and universities are required to comply with the immunization requirements.

- 4) Statutory Authority: The College Student Immunization Act (20 ILCS 2305).

5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: These rules were reviewed by the State Board of Health at their December 9, 1994 meeting. Public hearings will be scheduled upon request or as determined to be necessary following the publication of the proposed rulemaking in the Illinois Register.

- 6) Date Agency Anticipates Submitting to the Administrative Code Division a Notice of Proposed Rulemaking for Publication in the Illinois Register: February 1, 1995.

- 7) Information Concerning this Regulatory Agenda shall be Directed to:

Gail DeVito
Administrative Rules Coordinator
Illinois Department of Public Health
535 West Jefferson
Springfield, Illinois 62761
(217) 782-6187

- 8) Will this Rulemaking Affect Small Businesses, Small Municipalities or Not-For-Profit Organizations: No

9) Other Pertinent Information Concerning this Rulemaking: The proposed amendment is necessary to comply with the language of P.A. 88-0651. This amendment exempts three public universities from the college immunization requirements.

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

1) Heading of the Part: Emergency Medical Services Code

2) Code Citation: 77 Ill. Adm. Code 535

3) A description of the rule(s): The Department's rules governing Emergency Medical Services will be amended to include the language of Public Act 88-564 (effective January 1, 1995) concerning reinstatement of EMT-I or EMT-P licenses that expired, were suspended, or were placed on inactive status while the licensee was temporarily disabled. The Act provides that the license shall be reinstated when the disability ceases, upon application and payment of any applicable fee, and verification by a Project Medical Director (PMD) that the licensee is capable of functioning at the EMT-I or EMT-P level based on the PMD's assessment of the licensee's knowledge and clinical skills and the licensee's completion of any refresher training deemed necessary by the PMD and approved by the Department. The amendments will also reflect a change in the name of the National Standard Curriculum published by the United States Department of Transportation. EMS System Personnel Standards (Section 535.230) will be amended to add a provision concerning conflicts of interest. The PMD, EMS System Coordinator and Project Director will be required to notify the Department in writing of any association with an ambulance service provider through employment or contract, specifying how he or she is answerable to or directed by such ambulance service provider concerning matters falling within the scope of the EMS Systems Act or the Department's rules.

4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50] as amended by P.A. 88-564 (effective January 1, 1995).

5) Schedule of dates for hearings, meeting, or other opportunities for public participation: These rules changes were considered by the Emergency Medical Services Council on September 27, 1994 and December 8, 1994.

6) Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Amendments for publication in the Illinois Register: January 30, 1995.

7) Information concerning this regulatory agenda shall be directed to:

Interested persons may make inquiries and present their comments by writing to:

Leslee Stein-Spencer
Division of Emergency Medical Services
Illinois Department of Public Health
525 West Jefferson, Third Floor
Springfield, Illinois 62761

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

8) Will this amendment affect small business, small municipalities or not for profit corporations? No

9) Other pertinent information concerning this amendment: None

DEPARTMENT OF PUBLIC HEALTH

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1) Heading of the Part:

Family Planning Services Code

2) Code Citation:

77 Ill. Adm. Code 635

3) Description of the Rule(s):

These rules provide guidelines for the administrative, clinical, and educational operations of family planning programs with an emphasis on providing contraceptive information and services in order to lower the incidence of unintended pregnancy and to improve maternal and infant health.

4) Statutory Authority:

Implementing and authorized by Section 55 of The Civil Administrative Code of Illinois [20 ILCS 2310/55], Title X of the Public Health Service Law, the Family Planning Services and Population Research Act of 1970 (Public Law 91-572 (42 U.S.C. 300(a) - 300(a)(6)(a)).

5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation:

The Family Planning Advisory Board held a meeting to consider amendments to the rules on December 6, 1994. Public hearings will be scheduled upon request or as determined to be necessary following the publication of the proposed rulemaking in the Illinois Register.

6) Date Agency Anticipates Submitting to the Index Department a Notice of Proposed Amendments for Publication in the Illinois Register:

May, 1995.

7) Information Concerning this Regulatory Agenda shall be Directed to:

Sharon Pierce
Administrator, Family Planning Program
Illinois Department of Public Health
535 W. Jefferson, Springfield, IL 62761
(217) 785-4527

8) Will this Rulemaking Affect Small Business, Small Municipalities or Not-for-Profit Corporations:

This rulemaking will affect small businesses that receive grants under the

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Family Planning Services Code.

9) Other Pertinent Information Concerning this Amendment:

None

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- 1) Heading of the Part: Grade A Pasteurized Milk and Milk Products
- 2) Code Citation: 77 Ill. Adm. Code 775
- 3) A description of the rule(s): These rules require that a two or four day suspension of milk shipments be invoked for drug residue violations that may first and second offenses. Suspension of shipments requires milk that may no longer be contaminated with drug residues to be destroyed, thereby wasting "good" milk. Recently enacted legislation (Public Act 88-0600) provides for an equivalent penalty in lieu of the two or four day suspension. The rules will establish a mechanism for a monetary penalty to be collected from the dairy to represent a value equivalent to the two or four day suspension of milk shipment. The rules will also specify that penalties collected be used to prevent drug residue violations.

To assist states in initiating and maintaining effective programs for the prevention of milkborne disease, the U.S. Public Health Service/Food and Drug Administration (FDA), in conjunction with the National Conference of Interstate Milk Shipments (NCIMS), adopted a model milk regulation, known as the Grade A Pasteurized Milk Ordinance (PMO). All 50 states, the District of Columbia and U.S. Trust Territories participate in the NCIMS. States administering the PMO in compliance with FDA criteria can list milk producer units and milk processors in the Interstate Milk Shippers List (IMSL). Those listed may engage in interstate shipment of specified dairy products. In 1993, state delegates to the NCIMS recommended changes and additions to the PMO. The FDA and the Executive Board of the NCIMS mutually concurred in these changes and incorporated them into the PMO. In order to comply with the NCIMS agreement, Illinois must amend existing rules.

The proposed rules will adopt the 1993 edition of the PMO. Current rules incorporate by reference the 1991 edition of the PMO. These rules do not include regulations regarding procedures and record keeping necessary to monitor the fortification of milk with vitamins. Without these requirements numerous instances of under-fortification or over-fortification of milk have occurred. The addition of Vitamin D to milk has been credited with the virtual elimination of rickets among children in this country. However, extreme over-fortification can have serious adverse health impacts.

The proposed rules will include the addition of a section concerning vitamin fortification of fluid milk products. Regulations will address the process/methods of vitamin addition, record keeping, allowable levels, testing methods, type of concentrates, need for addition and problems involved with fortification.

The Grade A Milk and Milk Products Act requires that milk haulers obtain a permit from the Department prior to sampling or hauling milk. The

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- proposed rules will provide minimum standards regarding sanitation practices for raw milk hauling and sampling, training and testing procedures for transporting milk and collecting samples, tank and sampling equipment requirements and procedures for sanitary milk sampling and hauling.
- 4) Statutory Authority: Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635]
- 5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation:
December 21, 1994 - Dairy Industry Representatives Meeting
January, 1995 - Dairy Producers meetings (date to be set)
- Additionally, these rules will be presented to the State Board of Health for review prior to being proposed. Public hearings will be scheduled upon request or as determined to be necessary following the publication of the proposed rulemaking in the Illinois Register.
- 6) Date Agency Anticipates Submitting to the Administrative Code Division a Notice of Proposed Rulemaking for Publication in the Illinois Register: Approximately two weeks after March 9, 1995 State Board of Health meeting.
- 7) Information Concerning this Regulatory Agenda shall be Directed to:

Marlena G. Bordson, R.S.
Dairy Program Manager
Illinois Department of Public Health
Division of Food, Drugs and Dairies
525 West Jefferson
Springfield, Illinois 62761
(217) 785-2439

- 8) Will this Rulemaking Affect Small Businesses? These rules will provide for a monetary penalty instead of a two or four day permit suspension, which results in destruction of milk that may not be shipped. Dairy producers will be allowed to ship their milk to market, and the monetary penalty will be collected from their milk payment. Many dairy producers have indicated a preference for an equivalent monetary penalty rather than disposal of potentially "good" milk. This will also eliminate the cost and the potential environmental impact from liquid disposal methods.

The regulated industry in Illinois is already in substantial compliance with the requirements for vitamin fortification and bulk milk hauling based on NCIMS requirements and current state law.

- 9) Other Pertinent Information Concerning this Rulemaking: None

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

1) Heading of the Part:

Hospital Licensing Requirements

2) Code Citation:

77 Ill. Adm. Code 250

3) A description of the rule(s):

The enactment of Senate Bill 398 will require additional criteria for hospital medical staff bylaws, including rights of the applicant. The portion of the Hospital Licensing Requirements to be amended is Section 250.310. Section 250.1270 will also be amended to change the requirements for pathologic examination of tissue removed at surgery. These amendments update references to the National Fire Protection Association's Life Safety Code from the 1981 edition to the 1994 edition in existing and new construction. Other related incorporated codes are also updated to current editions. Sections to be amended include 250.160, 250.1410, 250.1980, 250.1910, 250.2420, 250.2450, 250.2460, 250.2470, 250.2480, 250.2490, 250.2500, and 250.2620. Section 250.330 will be amended to permit the medical director of the physical therapy or rehabilitation department to authorize the provision of physical therapy or rehabilitation services or treatment at the request of other than members of the medical staff, in accordance with policies approved by the medical staff and Governing Board. These amendments will require hospitals to have an interpreter available for limited-English speaking or non-English speaking patients. The portion of the Hospital Licensing Requirements to be amended is Section 250.625.

4) Statutory Authority:Hospital Licensing Act
[210 ILCS 45]5) Schedule of dates for hearings, meeting, or other opportunities for public participation:

Hospital Licensing Board, February 8, 1995

6) Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Amendments for publication in the Illinois Register:

March 8, 1995

7) Information concerning this regulatory agenda shall be directed to:

Interested persons may make inquiries and present their comments by

DEPARTMENT OF PUBLIC HEALTH

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writing to:

Catherine Stokes
Division of Health Care Facilities and Programs
525 West Jefferson, Fourth Floor
Springfield, Illinois 62761

8) Will this amendment affect small business, small municipalities or not for profit corporations?

No.

9) Other pertinent information concerning this amendment:

No

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

- 1) Heading of the Part:
Illinois Swimming Pool and Bathing Beach Code
- 2) Code Citation:
77 Ill. Adm. Code 820
- 3) A Description of the Rule(s):
Amendments to the rules regarding water treatment equipment and safety features will be proposed.
- 4) Statutory Authority:
Swimming Pool and Bathing Beach Act [210 ILCS 125]
- 5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation:
These rules will be presented to the State Board of Health for review prior to being proposed. Public hearings will be scheduled upon request or as determined to be necessary following the publication of the proposed rulemaking in the Illinois Register.
- 6) Date Agency Anticipates Submitting to the Administrative Code Division a Notice of Proposed Rulemaking for Publication in the Illinois Register:
June 15, 1995
- 7) Information Concerning this Regulatory Agenda shall be Directed to:
Gail DeVito
Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
- 8) Will this Rulemaking Affect Small Businesses, Small Municipalities or Not-For-Profit Organizations?
The proposed amendments will apply to pools, beaches and water slides owned and operated by these types of businesses.
- 9) Other Pertinent Information Concerning this Rulemaking: None

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- 1) Heading of the Part: Illinois Plumbing Code
- 2) Code Citation: 77 Ill. Adm. Code 890
- 3) Description of the Rule(s): The Illinois Plumbing Code provides minimum standards for the design and installation of plumbing in the State of Illinois, including approved materials and fixtures. The proposed rulemaking would amend the current code, adopted December 1, 1993, to address several problems and issues that have surfaced since December 1993.
- 4) Statutory Authority: Implementing and authorized by Section 35 of the Illinois Plumbing License Law [225 ILCS 320/35].
- 5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: No hearings or meetings are scheduled at this time; however, the Plumbing License Law requires at least one hearing be held regarding changes in the Illinois Plumbing Code before changes are made. This hearing will be scheduled at the time the proposed rulemaking is submitted to the Index Department for publication in the Illinois Register.
- 6) Date Agency Anticipates Submitting to the Index Department a Notice of Proposed Amendments for Publication in the Illinois Register: January 20, 1995.
- 7) Information Concerning this Regulatory Agenda shall be Directed to:
Dave King
Office of Health Protection
Illinois Department of Public Health
525 W. Jefferson, Springfield, IL 62761
(217) 782-3984
- 8) Will this Rulemaking Affect Small Business, Small Municipalities or Not-for-Profit Corporations: This proposed amendment will affect licensed plumbers who design or perform plumbing and architects and engineers who design plumbing systems. Most of the anticipated revisions in the current code/rule will relax the minimum standards, thereby reducing the cost of plumbing or increasing the options available.
- 9) Other Pertinent Information Concerning this Amendment: An emergency rulemaking amending this part was promulgated in September 1994. This proposed amendment will incorporate all the changes contained in the emergency rulemaking, as well as some other needed amendments that have surfaced since September 1994.

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

1) Heading of the Part:

Illinois Trauma Center Code

2) Code Citation:

77 Ill. Adm. Code 540

3) A description of the rule(s):

The rules in Part 540 regulate hospitals with Trauma Center designation. The specific changes are as follows:

Section 540.30 - Incorporated materials used in the program will be updated.

Section 540.70 - Language regarding surgeon certification will be corrected; language will be added to clarify when surgeons must respond to the Trauma Center to care for patients, and flexibility will be provided for cardiovascular surgeon coverage; resident coverage will be allowed for radiology; criteria for trauma nurse specialist staffing will be amended; helicopter landing requirements will be changed for out-of-state facilities designated as Illinois Trauma Centers; the availability of medical audits will be clarified; unnecessary equipment requirements will be deleted; a policy will be added for Department notification when resource limitations result in diversion of trauma patients to other facilities.

Section 540.80 - Many of the changes in this Section, which governs Level II Trauma Center designation, will be the same as those set forth in Section 540.70 for Level I Trauma Center designation. In addition, the amendments will allow Level II Trauma Centers to utilize surgical residents; clarify response times for anesthesiologists; require written transfer agreements for some surgical specialties.

Section 540.90 - Requirements for the Trauma Region Plan will be amended by adding minimal criteria for trauma activation and specifying Level I or II designation based on transport time.

Section 540.100 - Uniform reporting requirements will be amended to update computer equipment requirements and revise the required data elements.

Section 540.120 - The 60-day notice requirement will be deleted for filing requests for renewal with the Department prior to the designation expiration date.

Section 540.130 - Reference to the Area Hospital Emergency Services Committee, which no longer exists, will be deleted.

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Section 540. Appendix B - This Appendix will be added to set forth minimum trauma field triage criteria.

4) Statutory Authority:

Emergency Medical Service (EMS) Systems Act (210 ILCS 50)

5) Schedule of dates for hearings, meeting, or other opportunities for public participation:

These amendments were considered by the State EMS Council at its September 27, 1994 meeting.

6) Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Amendments for publication in the Illinois Register:

January 15, 1994

7) Information concerning this regulatory agenda shall be directed to:

Interested persons may make inquiries and present their comments by writing to:

Leslee Stein-Spencer
Division of Emergency Medical Services
Illinois Department of Public Health
525 W. Jefferson, Third Floor
Springfield, Illinois 62761

8) Will this amendment affect small business, small municipalities or not for profit corporations?

No

9) Other pertinent information concerning this amendment:

None

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

1) Heading of the Part: Immunization Code

2) Code Citation: 77 Ill. Adm. Code 695

3) A Description of the Rule(s): The proposed amendments would clarify the immunization requirements for children entering child care facilities and schools, especially those entering school below the kindergarten or first grade level (e.g., nursery school, preschool, headstart or other child care programs operated by elementary school systems or secondary level units or institutions of higher education). The amendments would also revise the age specific requirements for measles, polio, and Haemophilus influenzae type b vaccinations.

4) Statutory Authority: The Communicable Disease Prevention Act [20 ILCS 2305], Section 7 of the Child Care Act of 1969 [225 ILCS 10/7] and Section 27-8.1 of the School Code [105 ILCS 5/27-8.1].

5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: These rules will be presented to the State Board of Health for review prior to being proposed. Public hearings will be scheduled upon request or as determined to be necessary following the publication of the proposed rulemaking in the Illinois Register.

6) Date Agency Anticipates Submitting to the Administrative Code Division a Notice of Proposed Rulemaking for Publication in the Illinois Register: April 1, 1995.

7) Information Concerning this Regulatory Agenda shall be Directed to:

Gail Devito
Administrative Rules Coordinator
Illinois Department of Public Health
535 West Jefferson
Springfield, Illinois 62761
(217) 782-6187

8) Will this Rulemaking Affect Small Businesses, Small Municipalities or Not-For-Profit Organizations? No

9) Other Pertinent Information Concerning this Rulemaking: The specific immunization requirements contained within the Immunization Code (77 Ill. Adm. Code 695) for children entering school below the kindergarten or first grade level are frequently misinterpreted. The intent of these proposed amendments is to clarify the language concerning the immunization requirements of the Immunization Code for this group of children and to revise the measles, polio and Haemophilus influenzae type b immunization requirements to be consistent with the recommendations of the Advisory Committee on Immunization Practices (ACIP) of the U.S. Public Health

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

Service.

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

1) Heading of the Part:

Long-Term Care Facilities Licensing Code

2) Code Citation:

77 Ill. Adm. Code 320

3) A description of the rule(s):

This is an entirely new Part that will consolidate the provisions of four existing Parts authorized by the Nursing Home Care Act. The four existing Parts are:

- Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
- Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
- Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
- Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

In addition, requirements will not be automatically transferred to the new rule. Provisions no longer needed will be deleted. Other areas will be clarified.

4) Statutory Authority:

Nursing Home Care Act
[210 ILCS 45]

5) Schedule of dates for hearings, meeting, or other opportunities for public participation:

This proposed rule will be discussed at LTC Facility Advisory Board Meetings. Scheduled dates include February 8, 1995 and April 25, 1995. In addition, ad hoc committees from The Board will meet. The next meeting is scheduled for February 7, 1995. Additional meetings will be held but have not been scheduled.

6) Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Amendments for publication in the Illinois Register:

May 1, 1995

7) Information concerning this regulatory agenda shall be directed to:

Interested persons may make inquiries and present their comments by

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

writing to:

Patricia A. Heidenreich
Office of Health Care Regulation
Illinois Department of Public Health
525 W. Jefferson
Springfield, Illinois 62761
(217)782-2913

8) Will this amendment affect small business, small municipalities or not for profit corporations?

The rulemaking will affect Long-Term Care Facilities.

9) Other pertinent information concerning this amendment:

None.

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

1) Heading of the Part:

Manufactured Dairy Products Code

2) Code Citation:

77 Ill. Adm. Code 785

3) A description of the rule(s):

Part 785 will be amended to implement a provision of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] requiring the Department to promulgate rules governing permitting of milk haulers and samplers. This rulemaking is intended to increase the quality of milk for manufacturing purposes.

The proposed rules will provide minimum standards regarding sanitation practices involved in raw milk hauling and sampling, training and testing procedures for transporting milk and collecting samples, tank and sampling equipment requirements and procedures for sanitary milk sampling and hauling.

These rules currently allow certain standards for bacteria and somatic cell count in producer herd milk and in commingled milk. Under the proposed rules, the maximum allowable bacterial estimate in producer herd milk will be reduced from 1,000,000 per ml. to 500,000 per ml., the maximum allowable somatic cell count in producer herd milk will be reduced from 1,000,000 per ml. to 750,000 per ml. (excluding goat milk) and the maximum allowable bacterial estimate in commingled milk be reduced from 2,000,000 per ml. to 1,000,000 per ml. Changes in the language regarding testing methods and agency follow-up will be made to accommodate the lower standards.

4) Statutory Authority:

Ill. Food, Drug and Cosmetic Act [410 ILCS 620]

5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation:

These rules will be presented to the State Board of Health for review prior to being proposed. Public hearings will be scheduled upon request or as determined to be necessary following the publication of the proposed rulemaking in the Illinois Register.

6) Date Agency Anticipates Submitting to the Administrative Code Division a Notice of Proposed Rulemaking for Publication in the Illinois Register:

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

Approximately two weeks after March 9, 1995 State Board of Health meeting.

7) Information Concerning this Regulatory Agenda shall be Directed to:

Marlena G. Bordson, R.S.
Dairy Program Manager
Illinois Department of Public Health
Division of Food, Drugs and Dairies
525 West Jefferson
Springfield, Illinois 62761
(217)785-2439

8) Will this Rulemaking Affect Small Businesses?

The regulated industry in Illinois is already in substantial compliance with the requirements for bulk milk hauling and sampling.

9) Other Pertinent Information Concerning this Rulemaking:

None

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

- 1) Heading of the Part: Manufactured Housing and Mobile Structures
- 2) Code Citation: 77 Ill. Adm. Code 880
- 3) A Description of the Rule(s): Amendments will be proposed to adopt the most current building codes and require third party inspection of the units.
- 4) Statutory Authority: Illinois Manufactured Housing and Mobile Home Safety Act (430 ILCS 115)
- 5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: A meeting of the Manufactured Housing Advisory Board in February of 1995 is anticipated, pending appointment of Board members to vacant positions. Additionally, these rules will be presented to the State Board of Health for review prior to being proposed. Public hearings will be scheduled upon request or as determined to be necessary following the publication of the proposed rulemaking in the Illinois Register.
- 6) Date Agency Anticipates Submitting to the Administrative Code Division a Notice of Proposed Rulemaking for Publication in the Illinois Register: May 1, 1995
- 7) Information Concerning this Regulatory Agenda shall be Directed to:
Interested persons may make inquiries and present their comments by writing to:
Gail Devito
Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
- 8) Will this Rulemaking Affect Small Businesses; Small Municipalities or Not-For-Profit Organizations? This rulemaking will affect producers of modular dwellings and mobile structures.
- 9) Other Pertinent Information Concerning this Rulemaking: None

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

- 1) Heading of the Part: Migrant Labor Camp Code
- 2) Code Citation: 77 Ill. Adm. Code 935
- 3) A Description of the Rule(s): Amendments to the rules regarding migrant labor housing will be proposed to specify the administrative fine amount for each specific violation of requirements in the rules.
- 4) Statutory Authority: Illinois Migrant Labor Camp Law (210 ILCS 110, as amended by P.A. 88-535, effective January 26, 1994)
- 5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: These rules will be presented to the State Board of Health for review prior to being proposed. Public hearings will be scheduled upon request or as determined to be necessary following the publication of the proposed rulemaking in the Illinois Register.
- 6) Date Agency Anticipates Submitting to the Index Department a Notice of Proposed Rulemaking for Publication in the Illinois Register: Approximately two weeks after March 9, 1995 State Board of Health meeting.
- 7) Information Concerning this Regulatory Agenda shall be Directed to:
Gail Devito
Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
- 8) Will this Rulemaking Affect Small Businesses; Small Municipalities or Not-For-Profit Organizations? This rulemaking will establish an administrative fine if the operator of a migrant labor camp neglects to make the required correction within the time period specified.
- 9) Other Pertinent Information Concerning this Rulemaking: None

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

- 1) Heading of the Part: Plumbers Licensing Code
- 2) Code Citation: 68 Ill. Adm. Code 750
- 3) Description of the Rule(s): The Plumbers Licensing Code provides the bylaws for the operation of the State Board of Plumbing Examiners; prescribes the requirements and procedures for an apprentice plumber to apply for the plumber licensing examination; prescribes the required elements of an apprenticeship training course; and establishes fees for plumbers' examination and licensure. The proposed rulemaking would amend the code to update the requirements for apprenticeship training and supervision, and clarify the requirements for application to the licensing examination.
- 4) Statutory Authority: Implementing and authorized by Sections 8(3) and 30 of the Illinois Plumbing License Law [225 ILCS 320/8(3), 30].
- 5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: No hearings or meetings are scheduled at this time; however, a hearing will be scheduled at the time the proposed rulemaking is submitted to the Index Department for publication in the Illinois Register.
- 6) Date Agency Anticipates Submitting to the Index Department a Notice of Proposed Amendments for Publication in the Illinois Register: March 1, 1995.
- 7) Information Concerning this Regulatory Agenda shall be Directed to:

Dave King
Office of Health Protection
Illinois Department of Public Health
525 W. Jefferson, Springfield, IL 62761
(217) 782-3984
- 8) Will this Rulemaking Affect Small Business, Small Municipalities or Not-for-Profit Corporations?: This proposed amendment will affect licensed apprentice plumbers and licensed plumbers.
- 9) Other Pertinent Information Concerning this Amendment: This rule was last amended in December 1992.

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

- 1) Heading of the Part: Practice and Procedure in Administrative Hearings
- 2) Code Citation: 77 Ill. Adm. Code 100
- 3) A Description of the Rule(s): A major rewrite of these rules was adopted in April 1994, and certain needed changes have been identified by the Department after several months of administering the new rules. Proposed amendments will include clarification of when a non-attorney can appear in administrative hearings and clarification of when the answer to a notice of deficiency is due. In addition, other technical and clerical errors will be corrected.
- 4) Statutory Authority: The Nursing Home Care Act [210 ILCS 45] and the Illinois Administrative Procedure Act [5 ILCS 100]
- 5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: These rules will be presented to the State Board of Health for review prior to being proposed. Public hearings will be scheduled upon request or as determined to be necessary following the publication of the proposed rulemaking in the Illinois Register.
- 6) Date Agency Anticipates Submitting to the Index Department a Notice of Proposed Rulemaking for Publication in the Illinois Register: April 1, 1995.
- 7) Information Concerning this Regulatory Agenda shall be Directed to:

Frances Meehan
Chief Counsel
Illinois Department of Public Health
100 West Randolph, Suite 6-600
Chicago, Illinois 60601
(312) 814-6033
- 8) Will this Rulemaking Affect Small Businesses, Small Municipalities or Not-For-Profit Organizations?: No
- 9) Other Pertinent Information Concerning this Rulemaking: None

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

- 1) Heading of the Part: Processors of Cacao Products and Confectionery
- 2) Code Citation: 77 Ill. Adm. Code 738
- 3) A description of the rule(s): The rules provide manufacturing processes and sanitation requirements for processing, manufacturing, repacking, or holding food establishments within the State of Illinois that handle cacao products and confectionery items. These rules will be repealed from this Part and consolidated into Part 730, which provides requirements for the manufacturing, processing, packing or holding of food.
- 4) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- 5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: The rules will be presented to the State Board of Health for review prior to being proposed. Public hearings will be scheduled upon request or as determined to be necessary following publication of the proposed rulemaking in the Illinois Register.
- 6) Date Agency Anticipates Submitting to the Administrative Code Division a Notice of Proposed Rulemaking for Publication in the Illinois Register: May 1, 1995
- 7) Information Concerning this Regulatory Agenda shall be Directed to:

Shirley B. Bohm, R.S., M.P.H.
Food Program Manager
Illinois Department of Public Health
Division of Food, Drugs and Dairies
525 West Jefferson
Springfield, Illinois 62761
(217) 785-2439

- 8) Will this Rulemaking Affect Small Businesses? Repealing these rules will have no effect on the regulated industries.
- 9) Other Pertinent Information Concerning this Rulemaking: None

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

- 1) Heading of the Part: Processors of Fresh and Smoked Fish
- 2) Code Citation: 77 Ill. Adm. Code 735
- 3) A description of the rule(s): These rules provide manufacturing processes and sanitation requirements for processing, manufacturing, repacking, or holding food establishments within the State of Illinois that handle fish. These rules will be repealed from this Part and consolidated into Part 730, which provides requirements for the manufacturing, processing, packing or holding of food.
- 4) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- 5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: A preliminary meeting concerning these rules was held on September 6, 1994. Additional meetings will be held upon request. The rules will be presented to the State Board of Health for review prior to being proposed. Public hearings will be scheduled upon request or as determined to be necessary following publication of the proposed rulemaking in the Illinois Register.
- 6) Date Agency Anticipates Submitting to the Administrative Code Division a Notice of Proposed Rulemaking for Publication in the Illinois Register: May 1, 1995
- 7) Information Concerning this Regulatory Agenda shall be Directed to:

Shirley B. Bohm, R.S., M.P.H.
Food Program Manager
Illinois Department of Public Health
Division of Food, Drugs and Dairies
525 West Jefferson
Springfield, Illinois 62761
(217) 785-2439

- 8) Will this Rulemaking Affect Small Businesses? Repealing these rules will have no effect on the regulated industries.
- 9) Other Pertinent Information Concerning this Rulemaking: None

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

- 1) Heading of the Part: Sanitary Vending of Food and Beverages
- 2) Code Citation: 77 Ill. Adm. Code 743
- 3) A description of the rule(s): These rules provide good manufacturing processes and sanitation requirements for processing, manufacturing, repacking, or holding food establishments within the state of Illinois that handle vended foods and beverages. These rules will repealed and consolidated into Part 730, which provides requirements for the manufacturing, processing, packing or holding of food.
- 4) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- 5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: The rules will be presented to the State Board of Health for review prior to being proposed. Public hearings will be scheduled upon request or as determined to be necessary following publication of the proposed rulemaking in the Illinois Register.
- 6) Date Agency Anticipates Submitting to the Index Department a Notice of Proposed Rulemaking for Publication in the Illinois Register: TMay 1, 1995
- 7) Information Concerning this Regulatory Agenda shall be Directed to:
 Shirley B. Bohm, R.S., M.P.H.,
 Food Program Manager
 Illinois Department of Public Health
 Division of Food, Drugs and Dairies
 525 West Jefferson
 Springfield, Illinois 62761
 (217) 785-2439
- 8) Will this Rulemaking Affect Small Businesses? Repealing these rules will have no affect on the regulated industries.
- 9) Other Pertinent Information Concerning this Rulemaking: None

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

- 1) Heading of the Part: Soft Drink Manufacturers
- 2) Code Citation: 77 Ill. Adm. Code 740
- 3) A description of the rule(s): These rules provide manufacturing processes and sanitation requirements for processing, manufacturing, repacking, or holding food establishments within the state of Illinois that handle soft drinks. These rules will repealed and consolidated into Part 730, which provides requirements for the manufacturing, processing, packing or holding of food.
- 4) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- 5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: The rules will be presented to the State Board of Health for review prior to being proposed. Public hearings will be scheduled upon request or as determined to be necessary following publication of the proposed rulemaking in the Illinois Register.
- 6) Date Agency Anticipates Submitting to the Administrative Code Division a Notice of Proposed Rulemaking for Publication in the Illinois Register: May 1, 1995
- 7) Information Concerning this Regulatory Agenda shall be Directed to:
 Shirley B. Bohm, R.S., M.P.H.,
 Food Program Manager
 Illinois Department of Public Health
 Division of Food, Drugs and Dairies
 525 West Jefferson
 Springfield, Illinois 62761
 (217) 785-2439
- 8) Will this Rulemaking Affect Small Businesses? Repealing these rules will have no affect on the regulated industries.
- 9) Other Pertinent Information Concerning this Rulemaking: None

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

1) Heading of the Part: Structural Pest Control Code2) Code Citation: 77 Ill. Adm. Code 830

3) A. Description of the Rule(s): Changes will be proposed to amend filing procedures for those individuals seeking to renew a license, registration or certification required under the Structural Pest Control Act; Stop Sale/Use requirements to allow the recipient of such a notice the opportunity to submit an alternative proposal to the Department which, if acceptable, would eliminate storing/disposing pesticides which are no longer registered or authorized for use, sale or distribution in the state; and general safety requirements pertaining to protection of water supplies from back siphonage to assure compliance with the Illinois Plumbing Code.

New rules will be proposed in accordance with Section 14.6 of the Environmental Protection Act to serve as an alternative to the groundwater protection technical regulations addressed in 35 Ill Adm Code 615 and 616, administered by the Illinois Environmental Protection Agency (IEPA). These new rules will impact commercial structural pest control businesses with pesticide storage units which are located within the minimum and maximum potable water well setback zones or regulated recharge areas established under the Environmental Protection Act and the Illinois Groundwater Protection Act. Definitions will be added to explain terms used in the new rules. Additional laws and rules citations will also be addressed in this rulemaking.

4) Statutory Authority: Structural Pest Control Act [225 ILCS 235]

5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: These rules will be presented to the State Board of Health for review prior to being proposed. Public hearings will be scheduled upon request or as determined to be necessary following the publication of the proposed rulemaking in the Illinois Register.

6) Date Agency Anticipates Submitting to the Index Department a Notice of Proposed Rulemaking for Publication in the Illinois Register: Approximately April 1995.

7) Information Concerning this Regulatory Agenda shall be Directed to:

Interested persons may make inquiries and present their comments by writing to:

Gail DeVito
Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson, Fifth Floor

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

Springfield, Illinois 62761

8) Will this Rulemaking Affect Small Businesses? Yes, but in a positive manner. This rulemaking may lessen the regulatory burden with respect to groundwater protection at affected facilities than existing regulations currently administered by the IEPA. The amendment to the Stop Sale/Use requirements will allow the regulated community to propose an alternative plan which may be more cost effective than storing unusable or unwanted pesticides tagged by the Department indefinitely or paying the high cost for the disposal of these products.

9) Other Pertinent Information Concerning this Rulemaking: None.

DEPARTMENT OF PUBLIC HEALTH
REGULATORY AGENDA

- 1) Heading of the Part:
The Manufacturing, Processing, Packing or Holding of Food
- 2) Code Citation:
77 Ill. Adm. Code 730
- 3) A description of the rule(s):
These rules, which will be updated in this rulemaking, provide food safety and sanitation requirements and manufacturing processes for wholesale food processing plants and food warehouses. Requirements applicable to sanitation of equipment and utensils, water supply and sewage disposal, and storage and handling of equipment are provided. Shellfish certification requirements implementing the National Shellfish Sanitation Program will be added to the rules. In addition, four other sets of rules ("Processors of Fresh and Smoked Fish" 77 Ill. Adm. Code 735, "Processors of Cacao Products and Confectionery" 77 Ill. Adm. Code 738, "Soft Drink Manufacturers" 77 Ill. Adm. Code 740, and "Sanitary Vending of Food and Beverages" 77 Ill. Adm. Code 743) will be repealed as separate Parts and consolidated into Part 730 to reduce duplication of rules.
- 4) Statutory Authority:
Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- 5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation:
Meetings to discuss industry concerns were held prior to publication of this regulatory agenda and additional meetings will be held upon request. The rules will be presented to the State Board of Health for review prior to being proposed. Public hearings will be scheduled upon request or as determined to be necessary following publication of the proposed rulemaking in the Illinois Register.
- 6) Date Agency Anticipates Submitting to the Administrative Code Division a Notice of Proposed Rulemaking for Publication in the Illinois Register:
May 1, 1995
- 7) Information Concerning this Regulatory Agenda shall be Directed to:
Shirley B. Bohm, R.S., M.P.H.
Food Program Manager
Illinois Department of Public Health
Division of Food, Drugs and Dairies

DEPARTMENT OF PUBLIC HEALTH
REGULATORY AGENDA

- 1) Heading of the Part: Tanning Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 795
- 3) A description of the rule(s): These rule set standards concerning the issuance of tanning facility permits, facility operating requirements, record-keeping, facility operator training, equipment usage and maintenance, and other matters relating to tanning facility licensure.
- 4) Statutory Authority: The Tanning Facility Permit Act [210 ILCS 145]
- 5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: The rules will be presented to the State Board of Health for review prior to being proposed. Should a request for public hearings be made in accordance with the provisions of the Administrative Procedure Act, a hearing date will be established when the proposed rule is published.
- 6) Date Agency Anticipates Submitting to the Index Department a Notice of Proposed Rulemaking for Publication in the Illinois Register: June 1, 1995
- 7) Information Concerning this Regulatory Agenda shall be Directed to:
Ron Gottrich, R.Ph. or Melissa Estes-Spaenhower
Illinois Department of Public Health
Office of Health Protection
Division of Food, Drugs and Dairies
525 West Jefferson
Springfield, Illinois 62761-0001
(217) 782-7532
(217) 524-0802 (facsimile)
- 8) Will this Rulemaking Affect Small Businesses? This proposed amendment will affect small businesses.
- 9) Other Pertinent Information Concerning this Rulemaking: None

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

525 West Jefferson
Springfield, Illinois 62761
(217)785-2439

8) Will this Rulemaking Affect Small Businesses?

Illinois certified shellfish shippers are currently complying with certification requirements of the National Shellfish Sanitation Program, which will be implemented in proposed amendments to Part 730. The U.S. Food and Drug Administration has requested that Illinois requirements be formalized to provide the authority to issue, suspend or revoke shellfish certificates. These certificates provide an economic advantage to firms that ship molluscan shellfish in interstate and intrastate commerce over firms who cannot comply with these requirements.

9) Other Pertinent Information Concerning this Rulemaking:

None

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

1) Heading of the Part:

WIC Vendor Management Code

2) Code Citation:

77 Ill. Adm. Code 672

3) Description of the Rule(s):

These rules establish authorization provisions for participating WIC vendors, and education and compliance review of WIC retail vendors by the Department. The rules enable the Department to carry out its responsibilities of fiscal management and accountability for the food delivery system under its jurisdiction. Amendments will be proposed to implement Article 50 of SB 1153 (Public Act 88-680, effective January 1, 1995). This public act amends the Criminal Code of 1961 to identify and deal with fraud within the WIC program. The WIC fraud amendments creates violations and penalties for knowingly using, acquiring, possessing or transferring WIC food instruments in any manner not authorized by law or Department rules; misappropriating, or misusing any funds made available for the WIC program; an official or employee of the State, a county or unit of local government who facilitates, assists, or knowingly participates in or willfully fails to report a known violation of the WIC fraud amendments; or unauthorized possession of another person's WIC program identification document issued by the Department.

4) Statutory Authority:

Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255] and Article 17B of the Criminal Code of 1961 as added by Article 50 of Public Act 88-680, effective January 1, 1995 (SB 1153) [720 ILCS 5/Art. 17B new].

5) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation:

These rules will be presented to the State Board of Health for review prior to being proposed. Public hearings will be scheduled upon request or as determined to be necessary following the publication of the proposed rulemaking in the Illinois Register.

6) Date Agency Anticipates Submitting to the Index Department a Notice of Proposed Amendments for Publication in the Illinois Register:

April 1, 1995.

7) Information Concerning this Regulatory Agenda shall be Directed to:

DEPARTMENT OF PUBLIC HEALTH

REGULATORY AGENDA

Clarence A. Holloway
Assistant Deputy Director
Office of Community Health
Illinois Department of Public Health
535 W. Jefferson, Springfield, IL 62761
(217) 782-5945

- 8) Will this Rulemaking Affect Small Business, Small Municipalities or Not-for-Profit Corporations?

This rulemaking will affect grocery store owners and small businesses that are authorized as WIC vendors.

- 9) Other Pertinent Information Concerning this Amendment:

None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Alternate Fuel Systems for School Buses

- 2) Code Citation: 92 Ill. Adm. Code 449

- 3) Description of the rule(s): This Part governs the use of liquefied petroleum gases and compressed natural gas as propellant fuel in school buses. The installation, maintenance and operation of such fuel systems are covered by this Part. This rulemaking will add a grandfather clause for alternately fueled school buses which were in existence before February 26, 1990.

- 4) Statutory Authority: Implementing and authorized by Section 12-812.1 of the Illinois Vehicle Equipment Law [625 ILCS 5/12-812.1].

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled.

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Unknown

- 7) Information concerning this regulatory agenda shall be directed to:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect small businesses and municipalities that own or operate alternately fueled school buses in Illinois.

- 9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: School Bus Pretrip Inspection Requirements
- 2) Code Citation: 92 Ill. Adm. Code 0006
- 3) A description of the rules(s): The purpose of this rulemaking will be to establish a new Part which addresses pretrip inspection requirements alone, as a separate rule, to be used by school bus drivers and administrators. Currently, the pretrip inspection requirements are included as part of the school bus inspection manual which is used by Official Testing Stations. The pretrip inspection requirements should stand alone as a separate rule. No new procedures or changes to the program are anticipated at this time.
- 4) Statutory Authority: Section 13-115 of the Illinois Vehicle Code [625 ILCS 5/13-115].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:
Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, IL 62764
(217) 782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect small businesses and municipalities that operate school buses.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Carriage by Public Highway
- 2) Code Citation: 92 Ill. Adm. Code 177
- 3) A description of the rules(s): This rulemaking will update the Department's Hazardous Materials Transportation Regulations to include all federal rulemakings and any state legislative changes.
- 4) Statutory Authority: Implementing Section 4 (a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:
Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect small businesses that operate vehicles subject to the Illinois Hazardous Materials Transportation Act.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Continuing Qualification and Maintenance of Packaging
- 2) Code Citation: 92 Ill. Adm. Code 180
- 3) A description of the rules(s): This rulemaking will update the Department's Hazardous Materials Transportation Regulations to include all federal rulemakings and any state legislative changes.
- 4) Statutory Authority: Implementing Section 4 (a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:
Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect small businesses that operate vehicles subject to the Illinois Hazardous Materials Transportation Act.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Driving and Parking
- 2) Code Citation: 92 Ill. Adm. Code 397
- 3) A description of the rules(s): This Part prescribes the requirements for driving and parking for each motor carrier engaged in the transportation of hazardous materials by a motor vehicle in Illinois. This rulemaking will update federal material that is incorporated by reference in this part.
- 4) Statutory Authority: Implementing Sections 18b-100 through 111 and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/18b-100 through 111].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:
Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will not affect units of local government. This rulemaking will affect small businesses which own or operate commercial motor vehicles in Illinois.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Driving of Motor Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 392
- 3) A description of the rules(s): This Part prescribes the requirements for the management, maintenance, operation, or driving of motor vehicles, or the hiring, supervising, training, assigning, or dispatching of drivers in Illinois. This rulemaking will update federal material that is incorporated by reference in this Part.
- 4) Statutory Authority: Implementing Sections 18b-100 through 11l and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/18b-100 through 11l].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will not affect units of local government. This rulemaking will affect small businesses which own or operate commercial motor vehicles in Illinois.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: General Information, Regulations and Definitions
- 2) Code Citation: 92 Ill. Adm. Code 171
- 3) A description of the rules(s): This rulemaking will update the Department's Hazardous Materials Transportation Regulations to include all federal rulemakings and any state legislative changes.
- 4) Statutory Authority: Implementing Section 4 (a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect small businesses that operate vehicles subject to the Illinois Hazardous Materials Transportation Act.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Hazardous Materials Table and Hazardous Materials Communications
- 2) Code Citation: 92 Ill. Adm. Code 172
- 3) A description of the rules(s): This rulemaking will update the Department's Hazardous Materials Transportation Regulations to include all federal rulemakings and any state legislative changes.
- 4) Statutory Authority: Implementing Section 4 (a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect small businesses that operate vehicles subject to the Illinois Hazardous Materials Transportation Act.
- 9) Other pertinent information concerning this rule (amendment, repealer): None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Hours of Service of Drivers
- 2) Code Citation: 92 Ill. Adm. Code 395
- 3) A description of the rules(s): This Part prescribes the hours of service requirements for drivers of commercial motor vehicles in Illinois. This rulemaking will update federal material that is incorporated by reference in this Part and will remove references to the Illinois Revised Statutes and a Public Act which will be replaced by references to the Illinois Compiled Statutes.
- 4) Statutory Authority: Implementing Sections 18b-100 through 111 and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/18b-100 through 111].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will not affect units of local government. This rulemaking will affect small businesses which own or operate commercial motor vehicles in Illinois.
- 9) Other pertinent information concerning this rule (amendment, repealer): None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

1) Heading of the Part: Inspection, Repair and Maintenance

2) Code Citation: 92 Ill. Adm. Code 396

3) A description of the rules(s): This Part prescribes the requirements for the inspection, repair and maintenance of commercial motor vehicles in Illinois. This rulemaking will update federal material that is incorporated by reference in this Part and will remove references to the Illinois Revised Statutes.

4) Statutory Authority: Implementing Sections 18b-100 through 111 and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/18b-100 through 111].

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Unknown

7) Information concerning this regulatory agenda shall be directed to:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 782-3215

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will not affect units of local government. This rulemaking will affect small businesses which own or operate commercial motor vehicles in Illinois.

9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

1) Heading of the Part: Motor Carrier Safety Regulations: General

2) Code Citation: 92 Ill. Adm. Code 390

3) A description of the rules(s): This Part establishes general applicability, definitions, general requirements and information as they pertain to persons subject to the Illinois Motor Carrier Safety Law [625 ILCS 5/18b-100 through 111]. This rulemaking will update federal material that is incorporated by reference in this Part and will remove references to the Illinois Revised Statutes.

4) Statutory Authority: Implementing Sections 18b-100 through 111 and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/18b-100 through 111].

5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Unknown

7) Information concerning this regulatory agenda shall be directed to:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215

8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will not affect units of local government. This rulemaking will affect small businesses which own or operate commercial motor vehicles in Illinois.

9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Official Testing Stations
- 2) Code Citation: 92 Ill. Adm. Code 448
- 3) A description of the rules(s): This Part, governing Official Testing Stations, will be reorganized, rewritten, and updated.
- 4) Statutory Authority: Implementing and authorized by Section 12-711 and 12-503 of the Illinois Vehicle Equipment Law [625 ILCS 5/12-711 and 12-503], the Illinois Vehicle Inspection Law [625 ILCS 5/13] and Section 6-410 of the Illinois Driver Licensing Law [625 ILCS 5/6-410].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:
Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect small businesses and municipalities that own or operate Illinois Official Testing Stations.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Parts and Accessories Necessary for Safe Operation
- 2) Code Citation: 92 Ill. Adm. Code 393
- 3) A description of the rules(s): This Part prescribes the requirements for parts and accessories necessary for safe operation of a commercial motor vehicle in Illinois. This rulemaking will update federal material that is incorporated by reference in this Part and will remove references to the Illinois Revised Statutes.
- 4) Statutory Authority: Implementing Sections 18b-100 through 11l and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/18b-100 through 11l].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:
Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will not affect units of local government. This rulemaking will affect small businesses which own or operate commercial motor vehicles in Illinois.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Prequalification of Contractors and Issuance of Plans and Proposals
- 2) Code Citation: 44 Ill. Adm. Code 650
- 3) A description of the rules(s): The purpose of this Part is to establish policies and procedures to allow the Illinois Department of Transportation to fulfill its obligations to award all construction and maintenance contracts to the lowest responsive and responsible bidder by prequalifying contractors to determine their responsibility. This rulemaking will address metrification, conformance to current accounting practices, and an overall refinement of the rules.
- 4) Statutory Authority: Implementing Section 6 of the Illinois Purchasing Act [30 ILCS 505/6] and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4- 201.1] and Section 5.2 of the Illinois Purchasing Act [30 ILCS 505/5.2].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: June 1, 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No effect is anticipated.
- 9) Other pertinent information concerning this rule (amendment, repealer): None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Procedures
- 2) Code Citation: 92 Ill. Adm. Code 107
- 3) A description of the rules(s): This rulemaking will update the Department's Hazardous Materials Transportation Regulations to include all federal rulemakings and any state legislative changes.
- 4) Statutory Authority: Implementing Section 4 (a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect small businesses that operate vehicles subject to the Illinois Hazardous Materials Transportation Act.
- 9) Other pertinent information concerning this rule (amendment, repealer): None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Procedures and Enforcement
- 2) Code Citation: 92 Ill. Adm. Code 386
- 3) A description of the rules(s): This Part prescribes procedures that are applicable to each proceeding described in it that are utilized by the Department in carrying out its duties under the Illinois Motor Carrier Safety Law. The Department is planning to amend this Part to remove a reference to the Illinois Revised Statutes.
- 4) Statutory Authority: Implementing Sections 18b-100 through 111 and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/18b-100 through 111].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No
- 9) Other pertinent information concerning this rule (amendment, repealer): None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Qualification of Drivers
- 2) Code Citation: 92 Ill. Adm. Code 391
- 3) A description of the rules(s): This Part establishes the minimum qualifications for persons who drive commercial motor vehicles. This rulemaking, among other things, will update federal material that is incorporated by reference in this Part as well as revise certain subsections in Section 391.2000 by replacing "health care professional" with "medical examiner" and by allowing drivers to drive in interstate and intrastate transportation if the Regional Director of the FHWA, Motor Carrier Safety has granted a waiver to that person.
- 4) Statutory Authority: Implementing Sections 18b-100 through 111 and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/18b-100 through 111].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will not affect units of local government. This rulemaking will affect small businesses which own or operate commercial motor vehicles in Illinois.
- 9) Other pertinent information concerning this rule (amendment, repealer): None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Rates to be Charged by Official Testing Stations for School Buses
- 2) Code Citation: 92 Ill. Adm. Code 446
- 3) A description of the rules(s): This Part prescribes the requirements of the Illinois Department of Transportation governing the rates to be charged for safety tests of school buses. It also prescribes the practices and procedures which govern all hearings conducted by the Department relating to rates charged by Official Testing Stations. The amendments to this rule will add a new administrative hearing location in Carbondale, Illinois and will update the Division of Traffic Safety's address and the statutory language.
- 4) Statutory Authority: Implementing Section 13-106 of the Illinois Vehicle Code [625 ILCS 5/13-106] and authorized by Section 49.22 of the Civil Administrative Code [20 ILCS 2705/49.22].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:
Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect small businesses and municipalities that own or operate school bus Official Testing Stations in southern Illinois.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Request for Public Records
- 2) Code Citation: 2 Ill. Adm. Code 1226
- 3) A description of the rules(s): This rulemaking will incorporate revisions pertaining to fees charged for the duplication of public records and it will include updates of several addresses and statutory citations.
- 4) Statutory Authority: Implementing and authorized by Section 1 et seq. of The Freedom of Information Act [5 ILCS 140/1]; Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]; and also authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: January 1994
- 7) Information concerning this regulatory agenda shall be directed to:
Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? To the extent that small businesses and local municipalities may be interested in requesting photographs, the new updated fees will apply.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Appendix G Vehicle Inspection Manual
- 2) Code Citation: 92 Ill. Adm. Code 0005
- 3) A description of the rules(s): The purpose of this rulemaking will be to establish an administrative rule which addresses the "Appendix G" truck inspection procedures.
- 4) Statutory Authority: Implementing and authorized by Section 13-101 of the Illinois Vehicle Code [625 ILCS 5/13-101].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect small businesses and municipalities that own or operate Illinois Official Testing Stations.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Shippers General Requirements for Shipments and Packagings
- 2) Code Citation: 92 Ill. Adm. Code 173
- 3) A description of the rules(s): This rulemaking will update the Department's Hazardous Materials Transportation Regulations to include all federal rulemakings and any state legislative changes.
- 4) Statutory Authority: Implementing Section 4 (a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect small businesses that operate vehicles subject to the Illinois Hazardous Materials Transportation Act.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Specifications for Tank Cars
- 2) Code Citation: 92 Ill. Adm. Code 179
- 3) A description of the rules(s): This rulemaking will update the Departments Hazardous Materials Transportation Regulations to include all federal rulemakings and any state legislative changes.
- 4) Statutory Authority: Implementing Section 4 (a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
(217) 782-3215

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect small businesses that operate vehicles subject to the Illinois Hazardous Materials Transportation Act.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None

DEPARTMENT OF TRANSPORTATION

REGULATORY AGENDA

- 1) Heading of the Part: Specifications For Packagings
- 2) Code Citation: 92 Ill. Adm. Code 178
- 3) A description of the rules(s): This rulemaking will update the Department's Hazardous Materials Transportation Regulations to include all federal rulemakings and any state legislative changes.
- 4) Statutory Authority: Implementing Section 4 (a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Unknown
- 7) Information concerning this regulatory agenda shall be directed to:

Name: Christine Caronna-Beard, Rules Manager
Address: Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect small businesses that operate vehicles subject to the Illinois Hazardous Materials Transportation Act.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 3, 1995 through January 9, 1995 and have been scheduled for review by the Committee at its February 7, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
2/16/95	Department of Public Health, Illinois Veterans' Homes Code (77 Ill Adm Code 340)	8/26/94 18 Ill Reg 12955	2/7/95
2/16/95	Office of the State Fire Marshal, Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill Adm Code 170)	6/24/94 18 Ill Reg 9106	2/7/95
2/17/95	Illinois Racing Board, Rules of the Race (11 Ill Adm Code 1416)	10/28/94 18 Ill Reg 15721	2/7/95
2/17/95	Illinois Racing Board, Medication (11 Ill Adm Code 509)	8/5/94 18 Ill Reg 12043	2/7/95
2/18/95	Department of Financial Institutions, Illinois Credit Union Act (38 Ill Adm Code 190)	11/18/94 18 Ill Reg 16764	2/7/95
2/19/95	Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)	7/22/94 18 Ill Reg 11461	2/7/95

PROCLAMATIONS

95-1

THE CENTENNIAL CELEBRATION OF CHICAGO LYING-IN HOSPITAL

Whereas, Chicago Lying-in Hospital has been at the forefront of women's healthcare for 100 years. At 12 noon on Valentine's Day, February 14, 1895, Dr. Joseph Bolivar DeLee, opened the doors to the Chicago Lying-in Dispensary on Maxwell Street; and

Whereas, Chicago Lying-in Hospital has delivered thousands of babies over the past 100 years, and

Whereas, Chicago Lying-in Hospital specializes in perinatal care, providing the full range of medical care for high-risk mothers and infants before, during, and after delivery; and

Whereas, Chicago Lying-in treats and cares for the entire well-being of a woman in addition to superior family-centered maternity care; and

Whereas, Chicago Lying-in Hospital Board of Directors has initiated and supported meaningful programs to serve the women of Chicago;

Therefore, I Jim Edgar, Governor of the State of Illinois, proclaim February 13-19, 1995, as The Centennial Celebration of Chicago Lying-in Hospital in Illinois.

Issued by the Governor January 3, 1995.

Filed with the Secretary of State January 6, 1994.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR*	S - Suspension ordered by JCAR*
Objections	W - Withdrawal to meet JCAR*
O - JCAR* Statement Of Objections	Objections
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General Information, Regulations And Definitions; 92 Ill. Adm. Code 171			94-684 Snowmobile Safety Awareness Week		
Hazardous Materials Table And Hazardous Materials Communications; 92 Ill. Adm. Code 172			94-685 All-City Elementary Youth Chorus of Chicago Day		
Hours Of Service Of Drivers; 92 Ill. Adm. Code 395			94-686 League of Women Voters Day		
Inspection, Repair And Maintenance; 92 Ill. Adm. Code 396			94-687 Critical Care Nurse Week		
Motor Carrier Safety Regulations; General; 92 Ill. Adm. Code 390			94-688 Financial Literacy for Youth Month		
Official Testing Stations; 92 Ill. Adm. Code 448			94-689 Nancy Turner Day		
Parts And Accessories Necessary For Safe Operation; 92 Ill. Adm. Code 393			94-690 Opticians Month		
Prerequisite Of Contractors And Issuance Of Plans And Proposals; 44 Ill. Adm. Code 650			94-691 African-American History Month		
Procedures; 92 Ill. Adm. Code 107			94-692 Josephine Stasiak Day		
Procedures And Enforcement; 92 Ill. Adm. Code 386			95-001 Centennial Celebration of Chicago Lying-In Hospital		
Qualification Of Drivers; 92 Ill. Adm. Code 391					
Rates To Be Charged By Official Testing Stations For School Buses; 92 Ill. Adm. Code 446					
Request For Public Records; 2 Ill. Adm. Code 1226					
School Bus Pretrip Inspection Requirements; 92 Ill. Adm. Code 0005					

This Sections Affected Index lists, by title, each Section of a Part on which Rule Making has occurred in this volume (calendar year) of the Illinois Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 11 Ill. Adm. Code 465.115 was proposed last year and adopted this year. The action entry reads: (P-15655/94; A-6520). The codes are listed below.

TYPE OF RULE MAKING		ACTION CODE	
am	= amend to existing Section	A	= Adopted Rule
cc	= codification changes	E	= Emergency
n	= New section	P	= Proposed Rule
r	= repeal of existing Section	PP	= Peremptory
re	= recodified	M	= Modification
#	= renumbered	W	= Withdrawal
		CC	= Codification Changes
		RQ	= Request for Correction
		R	= Refusal
		PF	= Prohibited Filing
		S	= Suspension
		O	= JCAR Objection
		F	= Failure to Remedy Objections
		RC	= Recommendations
		EC	= Expedited Correction
		C	= Correction

TITLE 8		TITLE 20 (CONT'D)		TITLE 74 (CONT'D)	
255.10	am	(P-1)	425.100	n	(P-152)
255.50	am	(P-1)	425.110	n	(P-152)
255.60	am	(P-1)	425.120	n	(P-152)
255.110	am	(P-1)			
255.170	am	(P-1)			
256.30	am	(P-13)			
256.50	am	(P-13)			
256.70	am	(P-13)			
TITLE 11		TITLE 32		TITLE 77	
311.15	n	(P-568)	350.120	am	(P-185)
311.25	n	(P-568)			
311.35	n	(P-568)			
311.40	am	(P-568)			
TITLE 17		TITLE 38		TITLE 50	
1075.10	am	(P-14259/94; A-594)	110.40	am	(P-14271/94; A-44)
1075.20	am	(P-14259/94; A-594)	110.90	am	(P-14271/94; A-44)
1075.30	am	(P-14259/94; A-594)	150.10	am	(P-14276/94; A-49)
1075.40	am	(P-14259/94; A-594)	150.40	am	(P-14276/94; A-49)
1075.50	am	(P-14259/94; A-594)	150.60	am	(P-14276/94; A-49)
1075.60	am	(P-14259/94; A-594)	150.90	am	(P-14276/94; A-49)
TITLE 20		TITLE 44		TITLE 56	
425.10	am	(P-152)	5000.310	am	(P-5057/94; A-585)
425.12	am	(P-152)			
425.15	am	(P-152)			
425.20	r	(P-152)			
425.30	n	(P-152)			
425.40	n	(P-152)			
425.50	n	(P-152)			
425.60	n	(P-152)			
425.70	n	(P-152)			
425.80	n	(P-152)			
425.90	n	(P-152)			
TITLE 26		TITLE 58		TITLE 78	
1075.10	am	(P-14259/94; A-594)	7050.10	am	(P-12944/94; A-227)
1075.20	am	(P-14259/94; A-594)			
1075.30	am	(P-14259/94; A-594)			
1075.40	am	(P-14259/94; A-594)			
1075.50	am	(P-14259/94; A-594)			
1075.60	am	(P-14259/94; A-594)			
TITLE 30		TITLE 62		TITLE 82	
255.10	am	(P-152)	250.105	am	(P-19)
255.20	am	(P-152)	250.305	n	(P-19)
255.30	n	(P-152)	250.310	n	(P-19)
255.40	am	(P-152)	250.315	am	(P-19)
255.50	am	(P-152)	250.805	am	(P-19)
255.60	am	(P-152)	250.855	am	(P-19)
TITLE 34		TITLE 66		TITLE 86	
285.1100	am	(P-12944/94; A-227)	285.1101	am	(P-12944/94; A-227)
285.1102	am	(P-12944/94; A-227)	285.1103	am	(P-12944/94; A-227)
285.1104	am	(P-12944/94; A-227)	285.1105	am	(P-12944/94; A-227)
285.1106	am	(P-12944/94; A-227)	285.1107	am	(P-12944/94; A-227)
285.1108	am	(P-12944/94; A-227)	285.1109	am	(P-12944/94; A-227)
285.1110	am	(P-12944/94; A-227)	285.1111	am	(P-12944/94; A-227)
285.1112	am	(P-12944/94; A-227)	285.1113	am	(P-12944/94; A-227)
285.1114	am	(P-12944/94; A-227)	285.1115	am	(P-12944/94; A-227)
285.1116	am	(P-12944/94; A-227)	285.1117	am	(P-12944/94; A-227)
285.1118	am	(P-12944/94; A-227)	285.1119	am	(P-12944/94; A-227)
285.1120	am	(P-12944/94; A-227)	285.1121	am	(P-12944/94; A-227)
285.1122	am	(P-12944/94; A-227)	285.1123	am	(P-12944/94; A-227)
285.1124	am	(P-12944/94; A-227)	285.1125	am	(P-12944/94; A-227)
285.1126	am	(P-12944/94; A-227)	285.1127	am	(P-12944/94; A-227)
285.1128	am	(P-12944/94; A-227)	285.1129	am	(P-12944/94; A-227)
285.1130	am	(P-12944/94; A-227)	285.1131	am	(P-12944/94; A-227)
285.1132	am	(P-12944/94; A-227)	285.1133	am	(P-12944/94; A-227)
285.1134	am	(P-12944/94; A-227)	285.1135	am	(P-12944/94; A-227)
285.1136	am	(P-12944/94; A-227)	285.1137	am	(P-12944/94; A-227)
285.1138	am	(P-12944/94; A-227)	285.1139	am	(P-12944/94; A-227)
285.1140	am	(P-12944/94; A-227)	285.1141	am	(P-12944/94; A-227)
285.1142	am	(P-12944/94; A-227)	285.1143	am	(P-12944/94; A-227)
285.1144	am	(P-12944/94; A-227)	285.1145	am	(P-12944/94; A-227)
285.1146	am	(P-12944/94; A-227)	285.1147	am	(P-12944/94; A-227)
285.1148	am	(P-12944/94; A-227)	285.1149	am	(P-12944/94; A-227)
285.1150	am	(P-12944/94; A-227)	285.1151	am	(P-12944/94; A-227)
285.1152	am	(P-12944/94; A-227)	285.1153	am	(P-12944/94; A-227)
285.1154	am	(P-12944/94; A-227)	285.1155	am	(P-12944/94; A-227)
285.1156	am	(P-12944/94; A-227)	285.1157	am	(P-12944/94; A-227)
285.1158	am	(P-12944/94; A-227)	285.1159	am	(P-12944/94; A-227)
285.1160	am	(P-12944/94; A-227)	285.1161	am	(P-12944/94; A-227)
285.1162	am	(P-12944/94; A-227)	285.1163	am	(P-12944/94; A-227)
285.1164	am	(P-12944/94; A-227)	285.1165	am	(P-12944/94; A-227)
285.1166	am	(P-12944/94; A-227)	285.1167	am	(P-12944/94; A-227)
285.1168	am	(P-12944/94; A-227)	285.1169	am	(P-12944/94; A-227)
285.1170	am	(P-12944/94; A-227)	285.1171	am	(P-12944/94; A-227)
285.1172	am	(P-12944/94; A-227)	285.1173	am	(P-12944/94; A-227)
285.1174	am	(P-12944/94; A-227)	285.1175	am	(P-12944/94; A-227)
285.1176	am	(P-12944/94; A-227)	285.1177	am	(P-12944/94; A-227)
285.1178	am	(P-12944/94; A-227)	285.1179	am	(P-12944/94; A-227)
285.1180	am	(P-12944/94; A-227)	285.1181	am	(P-12944/94; A-227)
285.1182	am	(P-12944/94; A-227)	285.1183	am	(P-12944/94; A-227)
285.1184	am	(P-12944/94; A-227)	285.1185	am	(P-12944/94; A-227)
285.1186	am	(P-12944/94; A-227)	285.1187	am	(P-12944/94; A-227)
285.1188	am	(P-12944/94; A-227)	285.1189	am	(P-12944/94; A-227)
285.1190	am	(P-12944/94; A-227)	285.1191	am	(P-12944/94; A-227)
285.1192	am	(P-12944/94; A-227)	285.1193	am	(P-12944/94; A-227)
285.1194	am	(P-12944/94; A-227)	285.1195	am	(P-12944/94; A-227)
285.1196	am	(P-12944/94; A-227)	285.1197	am	(P-12944/94; A-227)
285.1198	am	(P-12944/94; A-227)	285.1199	am	(P-12944/94; A-227)
285.1200	am	(P-12944/94; A-227)	285.1201	am	(P-12944/94; A-227)
285.1202	am	(P-12944/94; A-227)	285.1203	am	(P-12944/94; A-227)
285.1204	am	(P-12944/94; A-227)	285.1205	am	(P-12944/94; A-227)
285.1206	am	(P-12944/94; A-227)	285.1207	am	(P-12944/94; A-227)
285.1208	am	(P-12944/94; A-227)	285.1209	am	(P-12944/94; A-227)
285.1210	am	(P-12944/94; A-227)	285.1211	am	(P-12944/94; A-227)
285.1212	am	(P-12944/94; A-227)	285.1213	am	(P-12944/94; A-227)
285.1214	am	(P-12944/94; A-227)	285.1215	am	(P-12944/94; A-227)
285.1216	am	(P-12944/94; A-227)	285.1217	am	(P-12944/94; A-227)
285.1218	am	(P-12944/94; A-227)	285.1219	am	(P-12944/94; A-227)
285.1220	am	(P-12944/94; A-227)	285.1221	am	(P-12944/94; A-227)
285.1222	am	(P-12944/94; A-227)	285.1223	am	(P-12944/94; A-227)
285.1224	am	(P-12944/94; A-227)	285.1225	am	(P-12944/94; A-227)
285.1226	am	(P-12944/94; A-227)	285.1227	am	(P-12944/94; A-227)
285.1228	am	(P-12944/94; A-227)	285.1229	am	(P-12944/94; A-227)
285.1230	am	(P-12944/94; A-227)	285.1231	am	(P-12944/94; A-227)
285.1232	am	(P-12944/94; A-227)	285.1233	am	(P-12944/94; A-227)
285.1234	am	(P-12944/94; A-227)	285.1235	am	(P-12944/94; A-227)
285.1236	am	(P-12944/94; A-227)	285.1237	am	(P-12944/94; A-227)
285.1238	am	(P-12944/94; A-227)	285.1239	am	(P-12944/94; A-227)
285.1240	am	(P-12944/94; A-227)	285.1241	am	(P-12944/94; A-227)
285.1242	am	(P-12944/94; A-227)	285.1243	am	(P-12944/94; A-227)
285.1244	am	(P-12944/94; A-227)	285.1245	am	(P-12944/94; A-227)
285.1246	am	(P-12944/94; A-227)	285.1247	am	(P-12944/94; A-227)
285.1248	am	(P-12944/94; A-227)	285.1249	am	(P-12944/94; A-227)
285.1250	am	(P-12944/94; A-227)	285.1251	am	(P-12944/94; A-227)
285.1252	am	(P-12944/94; A-227)	285.1253	am	(P-12944/94; A-227)
285.1254	am	(P-12944/94; A-227)	285.1255	am	(P-12944/94; A-227)
285.1256	am	(P-12944/94; A-227)	285.1257	am	(P-12944/94; A-227)
285.1258	am	(P-12944/94; A-227)	285.1259	am	(P-12944/94; A-227)
285.1260	am	(P-12944/94; A-227)	285.1261	am	(P-12944/94; A-227)
285.1262	am	(P-12944/94; A-227)	285.1263	am	(P-12944/94; A-227)
285.1264	am	(P-12944/94; A-227)	285.1265	am	(P-12944/94; A-227)
285.1266	am	(P-12944/94; A-227)	285.1267	am	(P-12944/94; A-227)
285.1268	am	(P-12944/94; A-227)	285.1269	am	(P-12944/94; A-227)
285.1270	am	(P-12944/94; A-227)	285.1271	am	(P-12944/94; A-227)
285.1272	am	(P-12944/94; A-227)	285.1273	am	(P-12944/94; A-227)
285.1274	am	(P-12944/94; A-227)	285.1275	am	(P-12944/94; A-227)
285.1276	am	(P-12944/94; A-227)	285.1277	am	(P-12944/94; A-227)
285.1278	am	(P-12944/94; A-227)	285.1279	am	(P-12944/94; A-227)
285.1280	am	(P-12944/94; A-227)	285.1281	am	(P-12944/94; A-227)
285.1282	am	(P-12944/94; A-227)	285.1283	am	(P-12944/94; A-227)
285.1284	am	(P-12944/94; A-227)	285.1285	am	(P-12944/94; A-227)
285.1286	am	(P-12944/94; A-227)	285.1287	am	(P-12944/94; A-227)
285.1288	am	(P-12944/94; A-227)	285.1289	am	(P-12944/94; A-227)
285.1290	am	(P-12944/94; A-227)	285.1291	am	(P-12944/94; A-227)
285.1292	am	(P-12944/94; A-227)	285.1293	am	(P-12944/94; A-227)
285.1294	am	(P-12944/94; A-227)	285.1295	am	(P-12944/94; A-227)
285.1296	am	(P-12944/94; A-227)	285.1297	am	(P-12944/94; A-227)
285.1298	am	(P-12944/94; A-227)	285.1299	am	(P-12944/94; A-227)
285.1300	am	(P-12944/94; A-227)	285.1301	am	(P-12944/94; A-227)
285.1302	am	(P-12944/94; A-227)	285.1303	am	(P-12944/94; A-227)
285.1304	am	(P-12944/94; A-227)	285.1305	am	(P-12944/94; A-227)
285.1306	am	(P-12944/94; A-227)	285.1307	am	(P-129

TITLE 80 (CONT'D)
 100.117 n (P-12585/94-A-206)
 100.120 am (P-12585/94-A-206)
 100.130 am (P-12585/94-A-206)
 100.140 am (P-12585/94-A-206)
 100.150 am (P-12585/94-A-206)
 2800.100 am (P-12567/94-A-36)
 2800.230 am (P-12567/94-A-36)
 2800.235 n (P-12567/94-A-36)
 2800.240 am (P-12567/94-A-36)
 2800.260 am (P-12567/94-A-36)
 2800.600 am (P-12567/94-A-36)
 2800.700 am (P-12567/94-A-36)

TITLE 86
 130.331 n (P-571)

TITLE 88
 140.11 am (P-165)
 140.12 am (P-165)
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 170.300 n (P-530) (E-645)
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 1001.600 n (P-34) (E-54)
 1001.610 n (P-34) (E-54)
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 1001.640 n (P-34) (E-54)
 1001.650 n (P-34) (E-54)
 1001.660 n (P-34) (E-54)
 1001.670 n (P-34) (E-54)
 1001.680 n (P-34) (E-54)
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